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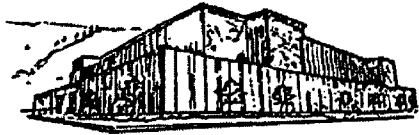
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FEMALE SURVIVORS OF INTIMATE PARTNER VIOLENCE:
INTERACTIONS WITH THE LEGAL SYSTEM

by

Kristen M. O'Shea

B.A. University of California, Santa Cruz 1997

Presented in partial fulfillment of the requirements

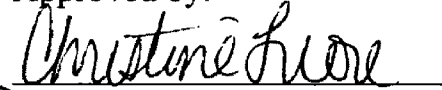
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The University of Montana

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Chairperson



Dean, Graduate School

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Female Survivors of Intimate Partner Violence: Interactions with the Legal System

Chairperson: Christine Fiore, PhD 

From police responses to court prosecution, survivors of intimate partner violence (IPV) have multiple opportunities to interact with the legal system. In the US, arrest policies have gained increasing popularity as an important tool in combating domestic violence. Criminal court proceedings are also often perceived as valuable resources for victims seeking justice from their former batterers. Research results have differed regarding the efficacy of these types of interventions. This study examined data from over 300 battered women, 85 of whom reported direct contact with the legal system. A qualitative analysis of participant interviews was used to examine varying aspects of victim satisfaction with the criminal justice system. Advantages of using a qualitative approach to better understand the psychological impact of police and court interventions are discussed. Suggestions are made for improving legal and police services offered to survivors.

Acknowledgements

These thanks, as this project, are a long time in coming. I am, first and foremost, in the debt of Dr. Christine Fiore for the enthusiasm and encouragement she has shown toward this study from the very beginning, for her tireless editing, and for her generosity in allowing access to unmined archival data. Dr. Fiore, along with Professor Bari Burke, Dr. Gyda Swaney, and Dr. Cheryl Van Denburg, have shown immense patience and support throughout this long process. I couldn't have asked for a better thesis committee, nor could I come up with one if pressed to do so.

This study would not have been possible without the courageous participation of 400 survivors of intimate partner violence. I must express my gratitude to the women who gave of their time and stories, and can only hope that I have done their experiences justice. I would also like to honor all of the police officers, crime victim advocates, attorneys, and judges whose actions have been described under the positive comment sections of this paper. Though there is much room for improvement in the area of domestic violence law, it is also essential to note that many men and women are already working above and beyond the call of duty to improve the lives of battered women in and out of the state of Montana.

Over the course of the last 2 ½ years, a number of people have suffered through the thesis writing process with me. I would like to thank Terry Prisk Watson, Michael O'Shea, Bridgett O'Shea, and Michelle O'Shea, M.A., for their ongoing efforts to understand clinical psychology graduate studies, and for knowing when *not* to ask, "How much longer until you're done?" I am grateful to Michelle Peavy for her technical, emotional, and canine support. Our friendship is probably the single greatest gift I have received thus far from my time at the University of Montana. And lastly, I owe much to Timothy Dawson McCall, who more than any other bore witness to the trials and tribulations of creating this work.

Dedication

In memory of Marilyn Frances West Prisk, whose love, guidance, and example repeatedly provide me with strength to continue on the days when I feel like quitting it all and going back to Grass Valley to open a burrito shop.

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Female Survivors of Intimate Partner Violence: Interactions with the Legal System

Domestic violence (DV), which is sometimes referred to as intimate partner violence (IPV), spousal abuse, or partner assault, describes “actual or threatened physical or sexual violence, or psychological/emotional abuse by a spouse, ex-spouse, boyfriend/girlfriend, ex-boyfriend/ex-girlfriend, or date” (Saltzman, Fanslow, McMahon, & Shelley, 1999). Of the nearly 3/4 million annual incidents of non-lethal intimate partner abuse that occurred in 2001, 85% of the victims were women (Bureau of Justice Statistics, 2003). Although domestic violence occurs in same sex relationships and by women against men, the most common and violent scenarios still involve males battering females (Tjaden & Thoennes, 1998). Additionally, the more negative consequences for family adjustment are seen when males are the perpetrators (Chrysos, Taft, King, & King, 2003). For the purposes of this study, I will focus on the experiences of women who have interacted with law enforcement or the court system as a direct or indirect result of being physically abused at the hands of their male partners.

Domestic violence is not a new social phenomenon. For hundreds of years, western law subtly or overtly supported a man’s right to use physical force against his wife as a means of disciplining her. Dating back to 13th century England, the concept of coverture identified a husband and wife as one person in the eyes of the law, with the man bearing all legal responsibilities for his wife’s behavior. This patriarchal model identified the husband as the head of the household, and presented him with the duty of controlling his wife and children as he saw fit (Cassidy & Trafimow, 2002). Laws such as the “Rule of Thumb,” which allowed a husband to beat his wife as long as he used a

stick no wider than his thumb, reinforced a man's right and responsibility to punish a wife who was perceived as badly behaved (Bohmer, Brandt, & Bronson, 2002).

These models received ongoing support from United States law until the middle of the 19th century, when legal challengers began to argue that women should have the right to retain individual property, even after they were married. As women gained the right to maintain control of their own possessions, the patriarchal norm of the man as the legal "head of the household" started to shift. Slowly, women began to move away from a subservient role toward a more equal partnership with their husbands (Cassidy & Trafimow, 2002).

In 1871, a national trend was spurred when Alabama and Massachusetts politicians rescinded statutes that permitted husbands to beat their wives (Pagelow, as cited in Breci, 2002). Even before the law recognized spousal violence as problematic, police were aware of its prevalence and negative social implications. Officers had been responding to family abuse calls since the inception of modern law enforcement in 1829 (Breci, 2002). However, the departure from institutionalized intimate partner abuse did not immediately guarantee legal protection for the women who found themselves in violent relationships. Prior to the 1970s, many in the criminal justice system saw partner violence as a private issue. The man's home was often perceived as "his castle," and many officers felt that it was out of their domain to intervene in family matters (Davis, 1987). Officers' responses to abuse calls frequently involved separation of the couple, with advice that the offender take a walk and return after an extended "cooling off" period (Schmidt & Sherman, 1996).

In fact, through the 1960s officers rarely received training in any kind of counseling intervention approaches and *were* working outside of their areas of expertise when responding to abuse calls. Most training was handed down to rookies from more senior officers, with the common opinion that domestic disturbances were among the least desirable calls to respond to (Davis, 1987). There was also research to suggest that domestic abuse calls resulted in a disproportionate percentage of police injuries and mortalities (Bard & Zacker, as cited in Brecki, 2002) (although these findings were later disputed by Garner and Clemmer, 1986).

The development of arrest policies

In the 1970s, feminists began to promote social education regarding female battering, giving voice to a matter that was previously considered a private rather than a social one (Robinson, 1999). Studies suggested that law enforcement responses were deficient, with battered women identifying police as the least helpful of the agencies with which they interacted over the course of their abusive relationships (Pahl, 1982). Researchers and advocates in the domestic violence movement began a push for increased police accountability regarding abuse calls, stressing the need for education regarding appropriate responses to crimes involving family violence (Hendricks, as cited in Brecki, 2002).

By the early 1980s, domestic violence training programs for law enforcement officials were being implemented across the country. Many recognized that the programs were successful in educating officers about the dynamics of family violence and encouraging more sensitive responses to the victims of abuse (Bandy, Buchanan, & Pinto, 1986). However, some critics complained that the increase in education did not

correspond with an increase in perpetrator arrests. In Ohio, between 1979 and 1981, statistics showed that victims had been injured or killed in 41% of reported domestic disputes, yet arrests were made in only 14% of the cases. The conclusion was that law enforcement officials were not providing adequate legal assistance to victims of crimes involving intimate partner abuse (Bell, 1985).

Saunders and Size's (1986) research found a discrepancy between victim and police opinions regarding perpetrator arrest. When asked whether respondents agreed or disagreed with the statement, "The best way to deal with marital violence is to arrest the offending party," 63% of victims agreed, whereas only 4% of police did. What these numbers do not reflect is the individual voices of the survivors and law enforcement officers. Inclusion of a qualitative analysis of the responses might have helped explain to the reader why the stances varied so drastically by role.

Traditionally, perpetrator arrest has been at the discretion of the responding officer. Officers have cited the following as the determining factors regarding the decision to arrest (in order of importance): 1) victim preference for arrest; 2) previous history of domestic abuse calls involving the couple; 3) perpetrator antagonism toward law enforcement; and 4) alcohol use by the offender (Smith and Klein, 1984). Another study found that presence of witnesses and cohabitation between the victim and offender were two additional factors that contributed to an increased likelihood of arrest (Buzawa & Austin, 1993).

Many victim advocates criticized the emphasis on police preference in the decision making process. In response, they began to promote the importance of more strict arrest codes as a means of minimizing the influence of officer discretion when

responding to intimate battering cases. Two types of arrest policies developed during this period: *Preferred arrest* guidelines were used to suggest that perpetrators should be arrested if given criteria were met, whereas *mandatory arrest* policies made arrest compulsory if the criteria were met (Hutchison & Hirschel, as cited in Brecki, 2002). In 1984, Sherman and Berk published findings that arrest resulted in lower recidivism rates than other traditional police responses (i.e., mediation between the parties or forced separation). In spite of later criticisms of the methodology and validity of their statistical analyses, their results received widespread attention from the national media and prompted the development of arrest policies in jurisdictions across the country (Schmidt & Sherman, 1996).

Additional research regarding the efficacy of arrest policies has produced mixed results, with some studies reflecting a drop in abuse within the first 30 days following arrest, some showing no difference in recidivism rates when compared to offenders who were not arrested, and some demonstrating increased rates of later abuse (e.g., among victims of unemployed partners). Nevertheless, by the year 1992, 15 states and the District of Columbia had enacted domestic violence arrest laws (Schmidt & Sherman, 1996). Some researchers have argued that mandatory arrest empowers women (Stark, 1996), whereas others think that it *removes* the power of choice from the victim (Smith, 2001).

With mixed police and research response to mandatory arrest laws, an important question becomes *how do victims and their advocates feel about police involvement and perpetrator arrests?* In a study involving 93 shelter residents, Smith (2001) found that 75% supported the adoption of mandatory arrest laws, although a higher number

perceived that the laws would be more likely to benefit others (85%) than to be of aid to themselves (65%). Sixty percent said that they would be more likely to report abuse if they lived in a community that had a mandatory arrest statute. However, Brookoff, O'Brien, Cook, Thompson, and Williams (1997) observed that when actually interacting with law enforcement, many injured female victims attempted to stop the arrest of the offenders. The authors hypothesized that the biggest obstacle to seeking intervention stemmed from fear of abuser retaliation.

Researchers have expressed the general sentiment that battered women's advocates may embrace the mandatory arrest laws more eagerly than do the women themselves (e.g., Schmidt & Sherman, 1996). Bohmer et al. (2002) found some support for this notion, suggesting that domestic violence victim advocates were generally more enthusiastic about mandatory arrest laws than were their clients. Advocates asserted that arrests help to highlight that intimate partner abuse is, in fact, criminal behavior, whereas victims felt that they were the experts on their own situations, and that they should decide when the time was appropriate to press charges. As one woman stated, "I need him to pay the bills more than I need him to pay for the violence" (Bohmer et al., 2002, p. 6).

Emotional and economic ties between offenders and their victims may be strong in spite of the history of abuse (Brookoff et al., 1997). Arrest against the woman's wishes may serve to maintain her role as "a passive victim rather than as an active participant in the decision making process" (Buzawa & Austin, 1993, p. 611). A US Department of Justice survey found that even in the mid-1990s, many domestic violence survivors stated that they had not reported battering to the police because they perceived the matter as a private one (as cited in Brecci, 2002).

Domestic violence arrest laws can affect varying populations differentially.

Inhabitants of rural communities may encounter resistance from local officers (e.g., Tode, 2003). Van Hightower and Gorton (2002) found that rural law enforcement representatives were more likely to be lenient with abusers, less likely to arrest them, often questioned the victim's credibility, and participated in more victim-blaming types of behavior than did urban officers. A lack of funding for training may present more obvious problems in a small rural department (Missoula City/County Health Department, 2002).

Although domestic violence prevalence rates have not been shown to vary by race or socioeconomic status (SES), results have shown that arrest laws tend to be better at predicting decreased recidivism rates in employed, higher SES batterers (Schmidt & Sherman, 1996). In general, some racial and ethnic groups (e.g., Whites and African Americans) have received more attention than others (e.g., American Indians) (Dutton, Goodman, & Bennett, 2001; Fairchild, Fairchild, & Stoner, 1998).

Public support of mandatory arrest laws has been found to be lower than for other alternatives (e.g., couples counseling, court-ordered mediation, temporary separation of the abuser and victim [Stalans, 1996; Stalans & Lurigio, 1995]). Stalans (1996) found that even when a victim displayed moderate injuries, only 26% of the respondents from the general public endorsed perpetrator arrest as an appropriate response. These findings suggest that the public may prioritize rehabilitation over retribution. Nevertheless, partnerships between law enforcement agencies and community advocates continue to receive increasing attention and funding as a perceived tool in reducing domestic violence recidivism (O'Shea & Gilmette, 1999). Throughout the United States, state and

local governments continue to adopt mandated arrest policies as a means to combat crimes involving family abuse. One such state, Montana, recently instituted a partner assault arrest law. The law states that

Arrest is the preferred response in partner or family member assault cases involving injury to the victim, use or threatened use of a weapon, violation of a restraining order, or other imminent danger to the victim (Montana Code Annotated, 2001, 46-6-311: 2a).

IPV and the court system

Arrest is just one component of how the justice system could impact a woman who has experienced IPV. Even without police involvement, a victim might interact with the court system through efforts to obtain a restraining order, legal separation, divorce, child custody, mediation, to divide shared property, or because she has been charged with exposing her children to domestic violence. Unlike voluntary contact with law enforcement, the victim may have less choice in deciding whether to cooperate with the court system (e.g., if her husband opens a child custody case). Entering the court setting is a potentially intimidating situation for many citizens, but may be especially so for a woman who is already exhausted from the experience of surviving an abusive relationship.

Victims of domestic violence have numerous reasons for their reluctance to report abuse to outsiders: perceiving violence as a normal part of an intimate relationship, fear of the abuser's response, loyalty to the perpetrator, belief that the abuser is trying to change, commitment to solving the problem inside of the relationship, financial dependence on the abuser, previous failed attempts to access outside aid, shame, distrust,

belief that others do not want to hear the details of their experiences (Dalton, 1999), and conviction that the perpetrator will respond by separating them from their children (Stahly, 1999). As valid as their reasons are, it must be noted that failure to disclose abuse to law enforcement brings its own set of problems. Without a documented history of violence, victims may be at a distinct disadvantage when the time comes to file for divorce, custody, or shared property. The woman may be accused of fabricating a story of abuse to aid her in her legal battle (Austin, 2000).

Recently, great efforts have been made to educate judges, lawyers, child custody mediators, and others in the forensic fields regarding the dynamics of domestic abuse. Unfortunately, some have suggested that these efforts may be counterproductive, as they give legal professionals a sense of overconfidence in their ability to recognize “real victims” (Dalton, 1999). Individuals who fall outside of this generic definition (i.e., those who have not previously reported abuse or who present as angry rather than helpless) may be labeled as liars, and treated less deferentially by those who have been assigned to help them.

In spite of efforts to the contrary, a 1996 report by the American Psychological Association’s Presidential Task Force on Violence and the Family (as cited in Maxwell, 1999, p. 349-350) reported, “Most lawyers, judges, and others in the justice system are not trained in the psychology of family violence and abuse.” Whereas “overtraining” may lead officials to overlook abuse, so may the converse. If overburdened, undertrained workers do not understand the experience of victimology and respond to survivors in an insensitive manner, it seems likely that it could discourage the latter from accessing legal services or reporting the abuse.

A related complaint of specialists in partner abuse is that mental health professionals working in the family court system often mislabel abuse as *conflict*. Whereas IPV researchers perceive abuse as a tool to enforce power and control, court officials are more likely to interpret violence as mutually-instigated behavior between two evenly matched partners, and as stemming from problems within the relationship. If IPV is incorrectly labeled “mutual conflict,” victims may not receive the attention (and aid) to which they are entitled by the legal system. Specifically, interpretation of violence as “conflict-initiated” versus “control-initiated” may make a difference in whether perpetrators are awarded equal custody of children (Dalton, 1999).

Historically, child custody marks one of the most potentially contentious areas of family violence influenced by the courts. It has been well-documented that abusers often perceive an opportunity to maintain power and control over victims well after the end of the partnership through their relationships with their shared children (Conroy, 1997, as cited in Maxwell, 1999). Custody agreements often require mothers to provide their current addresses to fathers, or to meet with the former partner to exchange children for visitations (Stahly, 1999). If the mother has not previously disclosed that she was the victim of IPV, the court may see her claims as a bid to make her husband look bad in order to prevent his relationship with the children. Being viewed as a victim of DV may offer a “strategic advantage” in such cases (Austin, 2000, p. 462).

In the current social climate, co-parenting is perceived as the desired goal in most custody battles. Child Custody Evaluation Investigators (CCEIs) have been advised to bring “rational skepticism” to undocumented reports of partner violence (Austin, 2000, p. 466). Some have suggested that unsubstantiated reports of DV should not be considered

as part of custody evaluations (Martindale, 1997, as cited in Austin, 2000, p. 467).

Shared custody appears to be less beneficial for children whose parents have engaged in previous abuse, have hostile child exchanges, and use the meetings as an opportunity to maintain power and control dynamics (Dalton, 1999; Johnston, 1995, as cited in Dalton, 1999).

The Wellesley Centers for Women's 2003 *Research and Action Report* (p. 8) described the quandary faced by many victims:

Battered women get a mixed message from the state... On one hand, they are told to leave their batterers to protect their children. But when they leave, they have to go to family court to resolve issues. The court tells them to maintain relations with this person and to foster a relationship between the children and their abuser. This way, batterers can continue the abuse following separation.

Goals of this research

What factors might encourage a victim to cooperate with the court system? Conversely, which might interfere with her willingness to see the courts as a resource to leave an abuser? A survivor's response to an abusive relationship is complex on many levels. One of the goals of this study was to explore the variables that instill in women faith that the court system has adequate resources to respond to the multiple complicated facets of their circumstances (e.g., sharing child custody with an active perpetrator, protection from potential repercussions of reporting the abuse, or maintaining a confidential address while battling with an ex-spouse over shared property).

With law enforcement agencies continuing to endorse arrest policies in spite of the controversy that surrounds the issue, it would seem that additional research on the

matter is warranted. An ongoing study conducted at The University of Montana has been examining multiple aspects of domestic violence, with researchers collecting data from over 400 survivors of domestic violence since 1994. The time of the data collection overlaps with the institution of Montana's arrest law implementation, providing an opportunity to study the impact that this law may have had on battered women in the state. Participants were also asked a variety of questions related to their experience with the legal system (see Appendix A).

Through a qualitative analysis of participant responses, women's reasons for interacting with the police and court systems were reviewed, as were factors that contributed to a positive, neutral, or negative response. Particular attention was paid to issues of child custody, as well as factors that correlated with positive and negative experiences (e.g., race, SES, rural or urban dwelling). The Montana sample was examined for information unique from other related studies, based on its large rural population (Catalog of Federal Domestic Assistance, n.d.), as well as its higher than average proportion of American Indians (U.S. Census Bureau, n.d.).

Appropriateness of a qualitative method

Strauss and Corbin (1994) define qualitative research as that which "produces findings not arrived at by means of statistical procedures or other means of quantification" (p. 17). Domestic violence research has its roots in a variety of different disciplines (e.g., nursing, medicine, sociology, psychology, anthropology, education, social work, and criminal justice) (Kearney, 2001). Although researchers from multiple fields have recognized the value of qualitative research, the tradition has nonetheless been to focus on quantitative methods over other alternatives (Romkens, 1997).

Whereas quantitative data provide useful statistics regarding prevalence rates of intimate partner violence, they sometimes possess disadvantages. Important information may be overlooked in quantitative research because a given trend is not deemed statistically significant. Kearney (2001) cited examples in which economic self-sufficiency, shelter, and social support were identified as critical factors in helping women escape abusive relationships, yet did not significantly predict leaving in quantitative analyses. Few would argue that such data lack value, yet researchers interested only in significant differences would generally ignore such findings.

Statistical analyses can introduce their own problems. Much of the controversy surrounding the issue of arrest responses to domestic violence involve statistical interpretations of the now famous National Institute of Justice's (NIJ's) Spouse Assault Replication Program (SARP)¹. Maxwell et al. (2001) cautioned that drawing conclusions from the comparison of "different outcome measures, analytical models, and case selection criteria" (p. 2) used by the varying researchers could confound the results regarding arrest effectiveness. Whereas information garnered from statistics may vary depending on the method of interpretation, the impact of a victim's voice will often resonate in a way that retains power across interpretive settings.

Heckert, Ficco, and Gondolf (2000) have argued that "quantitative counts of violent incidents fail to capture the true gendered nature of heterosexual intimate partner violence" (p. 98). To reach a true understanding of the experience of female survivors, it is important to report findings in a way that reflects the internal workings of the woman. Research suggests that women think and report their experiences in complex narrative

processes, describing surviving violence as a small piece in the larger puzzle of their lives (Heckert et al., 2000). Reducing their experiences to quantitative numbers runs the risk of losing the piece of their narrative that is most essential to the story itself. As one feminist researcher eloquently wrote, “The danger, as we process women’s words, is that we no longer hear their voices” (Yilo, 1994, pp. 226-227).

One of the risks of reducing women’s narrative accounts of violence to numerical representations is a loss of the richness of the data. Two individuals with identical Likert-scale scores may report very different qualitative experiences of violence (Murphy & O’Leary, 1994). Similarly, important pieces of a victim’s abuse history may be omitted in the data collection process because the researchers never thought to include it in a standardized checklist. Qualitative interviews, on the other hand, allow survivors to include the details of their stories that they consider most pertinent (e.g., Heckert et al., 2000, p.97). Such information may provide valuable information to police and other professionals in their efforts to know how best to respond to victims.

Qualitative methods can help ground theories about domestic violence in the experiences of those who have lived them. They can also provide valuable supplements to the existing body of quantitative research (Murphy & O’Leary, 1994). Quantitative information gathered from the Family Violence Survey or Conflict Tactics Scale have provided invaluable insight into trends related to intimate partner violence; qualitative research can help to “fill in the cracks” by providing individual voices to match the anonymous numbers. Hearing these voices reminds the researcher and layperson alike

¹ The SARP research consisted of six field experiments conducted between 1981 and 1991 by police departments and research teams in different states to test empirically the hypothesis that arrests lowered abuser recidivism (Maxwell, Garner, & Fagan., 2001).

that family violence is an act that devastates the lives of real men, women, and children, rather than mere numbers on an annual report.

In attempting to better understand the challenges and successes encountered by IPV victims in the legal system, it is apparent that individual voices have much to offer. Law enforcement and court officials may make important procedural decisions based on quantitative research (e.g., the adoption of arrest policies), and then be surprised when these policies fail to meet the needs of victims (e.g., victim's complaints in response to arrests). The intent of this study is to conduct a qualitative analysis of these survivor's stories to help uncover the specifics both of what has helped women to escape lives of violence, as well as what police and courts have done to discourage victims in their efforts to respond to abuse.

Method

Participants

The original study sample consisted of over 300 adult females who interacted with police and/or the courts. Ultimately, 85 participants provided responses that were examined for the purposes of the study at hand. Women ranged in age from 18 to 55 ($x = 35.5$ years) and identified themselves as Caucasian (82%), Native American (10%), Asian (2%), and multiracial (4%) (2% declined to report a race). All individuals volunteered to participate in the study. The women were recruited from the Western Montana area, although the abuse did not necessarily take place in the state. Seventy-three percent ($n = 62$) of the victims lived in a town or city during the abusive relationship, whereas 14% ($n = 12$) lived in "the country." Eight percent ($n = 7$) resided

in both types of communities while experiencing partner violence (the remaining 5% did not provide this information).

The majority of the sample had separated from the perpetrators -- only 2 reported remaining romantically involved with their abusers at the time of the interview. The average reported relationship length was 5.81 years. Sixty-two percent ($n=53$) reported having children ($x = 2.4$) during the time of the violence. Thirty-four percent ($n = 33$) of the women identified themselves as the primary earners in relationship. The mean victim income was \$5,001 – 10,000 (mode = \$5,000 or less) during the violent relationship; the mean family income reported through the same time was \$20,001 – 25,000. The mean level of education was some college or vocational school (which may have been influenced by recruitment efforts at the local university).

Materials

A series of self-completed questionnaires (which utilized both open-ended questions and Likert scale responses) and a semi-structured interview were used to collect data regarding the women's experiences in their violent relationships. For the purposes of this study, the elements of the questionnaires that focused on involvement with law enforcement and the courts comprised the focus of the qualitative analysis.

Procedure/Design

The design of the original study utilized a multi-method approach. Quantitative measures (e.g., Likert scale responses) were combined with qualitative ones (e.g., open-ended questions) to increase the richness of information provided by participant responses. The qualitative method of analysis outlined by Strauss and Corbin (1990) was used to examine archival data (e.g., responses to the Legal/Medical Response

Questionnaire and Interview, shown in Appendices A and B, respectively). The questionnaires under study asked participants who used the police and court systems to comment on the quality of their experiences. They also posed open-ended questions to allow women to describe the details of their relationships that they deemed most important [e.g., “Please tell me about the (violent) relationship you (are/were) in”].

The questionnaires did contain a quantitative element (e.g., participants may answer *yes*, *no*, *not sure*, or *not applicable* to the question “[W]as the police response positive?”). However, in this study the focus was on the qualitative answers because dichotomized responses are unable to elicit the important information regarding *why* individuals felt that their experiences with law enforcement or the court system went well (or not).

Strauss and Corbin (1990) have outlined a clear process for the qualitative analysis of data through coding processes. The authors identified three main coding phases: open, axial, and selective. Open coding marks the first stage of analysis, in which data are separated and placed in categories. Axial coding then brings the data back together in the form of a number of main categories and subcategories. Finally, the selective coding process is used to identify a core category that will focus and integrate all of the previously recognized categories.

In the open coding phase of this study, all of the original questionnaire and interview responses were examined. Those that made any reference to law enforcement or the court system were set aside. This netted a total of 112 responses, which were reread and labeled with code notes marking important concepts in each paragraph. Some

paragraphs identified more than one important theme and were labeled with multiple codes.

The lead researcher or a research assistant then reread these responses to ensure at least two examinations of the content. Participant responses fell into at least one of 6 general categories: *positive law enforcement*, *neutral law enforcement*, *negative law enforcement positive court*, *neutral court*, or *negative court*. Although it is unusual to begin grouping data into such narrow categories during the open coding phase, upon consultation it was deemed appropriate to do so in this case because of the exceptionally high number of responses (as opposed to the lower *n* common to many qualitative studies) (C. Fiore, personal communication, November 19, 2004). Examples of the varying categories are listed in Table 1. All of the responses were reviewed again to ensure that they were placed in the correct categories. The *neutral data*² were then discarded, leaving 85 responses to be coded at a second stage.

As is the norm with qualitative research (Leavitt, 2001), the variables of interest and analysis strategies evolved as familiarity with the study increased. With further reviews of the data, a coding scheme was developed to track emerging themes and concepts for clarification. Each participant response was carefully examined and summarized by theme. These themes were recorded and then grouped into more narrowly related codes (see Table 2).

² *Neutral data* mentioned law enforcement or the courts, but did not provide enough additional information regarding the quality of the contact to be useful. An example of neutral data follows:

Legal Questionnaire #2: If your case went to court, did the prosecution present your case well? Yes
What evidence did they present? *What was written on the restraining order [271].*

Table 1. *Examples of data categories in open coding stage.*

Category	Example
<i>Positive law enforcement</i>	"I'll never forget how wonderful the cop was. He obviously had a lot of training in this area..." [212]
<i>Neutral law enforcement</i>	"We had lots of police records." [284]
<i>Negative law enforcement</i>	"My sister called during a fight. I told her to call the police for me. They called the house to verify the call and my beatings became much worse." [211]
<i>Positive court</i>	"Judge came out on Sunday afternoon to issue the order. Was supportive and made sure I had a safe place to go." [305]
<i>Neutral court</i>	"One of court advocates said it would be prosecuted and interviewed me." [221]
<i>Negative court</i>	"I overheard the district attorney talking... and he said that by the sound of it, the type of person I was, it sounded like I deserved the way I was treated." [281]

Table 2. *Coding categories.*

Positive Law Enforcement Experiences	Positive Court Experiences
<i>Creative Solutions</i>	<i>Children: Positive</i>
<i>Effective Restraining Orders</i>	<i>Helpful Resources or Individuals</i>
<i>General Support</i>	<i>Justice Through Legal Recourse</i>
<i>Increased Safety/Arrest</i>	<i>Legal Interventions as a Mechanism for Separating from the Abuser</i>
<i>Victimless Prosecution</i>	<i>Restraining Orders</i>
	<i>Supportive Responses</i>
Negative Law Enforcement Experiences	Negative Court Experiences
<i>911 as an Instrument of Oppression</i>	<i>Children: Negative</i>
<i>Fear of Repercussions</i>	<i>Expense</i>
<i>Inadequate or Delayed Response</i>	<i>Incompetence and Lack of Advocacy</i>
<i>Lack of Understanding</i>	<i>Insensitivity</i>
<i>Perceptions of Poor Treatment</i>	<i>Legal Threats as a Form of Abuse, or Precursor to Additional Violence</i>
<i>Protecting Perpetrator</i>	<i>Prominent Perpetrators</i>
<i>Restraining Order Problems</i>	<i>Stiffer Sentences</i>
<i>Rural LE, Prominent Perpetrators, or Nepotism</i>	<i>Time Concerns</i>
<i>Self-defense</i>	

Open coding breaks the data apart into categories; axial coding reunites the data in new ways. The two phases of coding are discrete, yet typically occur simultaneously as the researcher works to organize and analyze the data (Strauss & Corbin, 1990).

Strauss and Corbin's (1990) paradigm model was used to establish core categories and consolidate subcategories (e.g., it became apparent that the core category of *supportive response* included the subcategories *patient*, *kind*, and *educative about resources*).

Finally, selective coding integrates all of the other categories to form a core category and theory. In this case, the most important category related to victims' desires to be treated with respect and support through their various interactions with the criminal justice system. Open and axial coding identified multiple examples of resources and provider behaviors that were interpreted as supportive, as well as those that were not. Through selective coding, these factors were woven together to suggest larger trends that ultimately contributed to whether women viewed legal systems as protective or harmful, and whether they would be likely to use such resources in the future.

Results

A grounded theory approach was used to analyze the data. This method "involves generating concepts and themes that emerge directly from the data, rather than applying preconceived ideas or questions to the data" (Hartley, 2001, p. 516). As described above, participant responses were initially sorted by category (i.e., law enforcement or court) and designated as positive or negative. Within each subsequent group, comments were mined for more information on the factors that contributed to the quality of the victim's experience.

Positive Law Enforcement Experiences

General Support

Nearly 1/3 of the participants reported a positive interaction with law enforcement³. In describing the valuable components of their experiences, the women addressed a variety of factors related to the helping role played by police. Many survivors commented on the general support, excellent training, and professionalism demonstrated by law enforcement. One victim [212] illustrated the value of the move toward increased family violence education for law enforcement (e.g., Bandy et al., 1986). She recalled her reaction to a 911 response her neighbor initiated after hearing sounds that indicated someone was being hurt. “I’ll never forget how wonderful the cop was. He obviously had a lot of training in this area... [He] was very knowledgeable about violence and was very gentle in his treatment of me.”

Participant 276 expressed her thanks, for similar reasons, to the police force in a large West Coast city:

I was really grateful for the community of [city]. I had a lot of opportunities... And the police were very good. They suggested [a] lot of supports, different officials that would support me if I had any difficulties getting the restraining order.

Another participant [252] described being threatened by her abuser in the hospital following the birth of one of her sons. After a security guard forced the perpetrator to leave the premises, the police arrived on the scene. The woman still remembered the

³ This number suggests that police are already taking many positive steps toward serving victims of intimate partner violence. However, it should also be noted that this category contained the fewest responses (as compared to Negative Law Enforcement, Positive Court, or Negative Court), whereas Negative Law Enforcement contained the most (by a nearly 1:3 ratio).

officer's name after a good deal of time had passed, and described him as "just very nice. I can't tell you what a difference that made, not to feel like... it was my fault and it was because I was stupid." She credited the officer's tender manner and their ensuing rapport for her decision to transfer to a safehouse rather than return home, in spite of her extreme reluctance to take her children to a shelter. This provides another example of the multiple dimensions that contribute to enhancing the safety of domestic violence victims.

Other participants recalled the relief offered by simple kind words from law enforcement, expressions of concern, offers of future assistance, and reminders that the women deserved better than to be hit by their partners. One woman [562] acknowledged that she first disclosed her abuse not to family members or friends, but to police. She recalled their efforts to increase her comfort with friendly jokes while still communicating their disapproval of her repeated batterings. "They were my friends, honest to God. They loved me but they hated him. They were very supportive of me."

A number of participants commented on the importance of nonjudgmental interventions. Although many of the survivors, such as Participant 562 listed in the preceding paragraph, did not initially heed police suggestions regarding violent relationships, they did remember the words of advice as part of the learning process that eventually led them to leave their violent relationships. This, coupled with the research that shows most victims make a number of false starts before finally extricating themselves from abusive partners (e.g., Turner & Shapiro, 1986), serves as a reminder that responding officers' acts of kindness towards victims are rarely wasted. Success (i.e., an end to the abuse) must often be measured in long- rather than short-term progress.

Increased Safety/Arrest

Some victims labeled police as society's heroes, and recognized their role in providing a service of safety and protection to civilians in distress. One participant [234] remembered her relief after calling law enforcement to a domestic dispute in her home. "No blame was put on me for upsetting him. They stayed neutral and stayed present until I was safe." Another victim [312] shared a more dramatic story, illustrating that police often offer aid in the most violent episodes and when other resorts have been exhausted.

...[W]hile I was being dragged up the stairs, I was yelling for help, 'Get the police!' in his apartment building. Somebody told the landlord there and they called the police. And the police finally got in and they saved me just in time and they got ahold of him and he was still threatening me... He was strangling me in front of the police. And they helped me get away from him. He was ready to fight the police, too. He was really bad. The police helped me move into the woman's shelter... and said, 'You shouldn't stay with someone like that. It's too dangerous.'

This provides an example of law enforcement's unique function as primary responders. Police are frequently expected to adopt a dual role of peacekeeper and social worker, regardless of their level of training in the latter.

An obvious example of protection offered by LE is their ability legally to remove the perpetrator from the site of the abuse. This is the idea that first sparked mandatory and preferred arrest policies. Victims who were pleased with the arrest of their abusers often emphasized the importance of not only the removal, but the timeliness of the response. Comments included, "The officer who took my statement was very nice and

immediately put out on arrest warrant.... He was running from the cops, but they caught and arrested him *on the spot* [231].” A local law enforcement agency received praise because they “came immediately and removed him right away” [242]. “Once, we rented a cabin on a lake. For some reason, he was really weird while he was there. That’s where I had the tribal police come and get him. I was really scared” [306].

Some women discussed the benefits of incarceration as a solution to the violence or as a way to bring back the men they knew at the beginning of their relationships. Participant 530 stated, “I still do love pieces of him and now that he’s in prison and he’s not around that stuff, it’s the [man] that I loved.” Other women chose not to pursue arrest by contacting LE, but seemed to feel comforted by the knowledge that such a resource was available if the situation worsened. When asked about the limits of her tolerance toward her abuser, one woman [537] asserted, “I think if he threatened to kill me, then I would have gone to the authorities.” Although it might be frustrating to law enforcement officers to be denied access to earlier intervention, some victims seem to consider contacting LE only when they deem their danger levels have reached the most extreme proportions.

Effective Restraining Orders

When situations did reach such levels, victims often turned to restraining orders as a means of protecting themselves. Participants labeled restraining orders as a way of regaining control and autonomy in their lives. One victim [242] recalled, “[The] cops came and in a split second he [was] arrested and put in jail... At that time, they did a restraining order. That’s when I got my power.” Another woman [252] remembered feeling like the restraining order made it more acceptable to call the sheriff’s department

and ask deputies to drive by her house just to make sure she and her children weren't being harassed by her former partner.

Victimless Prosecution

Some victims expressed initial dismay at the concept of victimless prosecution (i.e., the decision of law enforcement to press charges against the perpetrator using witness testimony, interviews, and photographs in lieu of a victim's testimony [Romley, 1999]), only later to praise it. "Because [of] my fear and emotional state, I did not want charges brought up against him... They did anyway and now I believe it was one of best things that could have happened" [318]. Similar ambivalence was expressed by a number of women, such as Participant 566:

I was kinda disappointed because I think they pressed charges against my husband... I couldn't say, 'No, I don't want to press charges.' They just went ahead and did that... I didn't want to press charges and have anything on his record. I just wanted some time away from him and for him to know that you can't really be doing this and it's serious. I'm not sure. It's just that I really didn't want them to press charges, but they went ahead and did that. You know, that's kind of in our relationship. When we talk, he's like, 'Well, you called the cops and now I have it on my record.' That's the only thing that we still talk about from the past. *I'm glad I did, I guess, because he's changed.*

Another victim [252] discussed both negative and positive experiences with law enforcement. She presented later interventions as more helpful, and attributed the shift to the passage of victimless prosecution laws:

And I think what happened in between there was that law passed about the woman or the person didn't have to press charges. [Officer Smith] told me that what happened wasn't my fault and that I didn't have to worry about pressing charges. That the state of Montana would do that and that he would see to it.

Creative Solutions

Other participants praised law enforcement for their efforts to protect victims by enforcing the spirit of domestic violence law, though doing so sometimes required officers to be flexible in their interpretations of law enforcement procedure. For example, one survivor [346] remembered a time when victim services were limited:

There weren't safehouses or shelters then. There wasn't any way to get any help. One night... he had threatened to hurt me and actually ran me out of the house. And I had gone to the sheriff's department and booked myself in. They booked me in because I had no place to go. This was like... back in '71. [I first disclosed to] the sheriff's department because there was really nobody else I could tell.

In another case [256], police used the station to hold a perpetrator's guns long enough for his victim to flee town.

In a situation mentioned earlier [252], a police officer encouraged a woman to receive medical attention and stay in a safe place by agreeing to bring her children to her (rather than allowing her to return to them, and possibly their abusive father, at home):

He said, 'Do you think there is any way I could talk you into staying in the hospital?' And I said, 'You know, my 4 other children are at home... I have to go pick them up. It's not an option for me not to.' And he said, 'How about this? How about if we go get them and bring them here and you stay in the hospital at

least one more night until we can get things kind of sorted out?’ So I... you know, I said, ‘OK.’ And they brought the kids.

At times, law enforcement provided aid by advising victims to try new alternatives when their safety plans were not working. One woman [281] was told by an officer to get protection. She responded

‘Well I can’t, the restraining order didn’t work last time.’ He said, ‘I’m not talking restraining order. I’m talking you need to get a gun because this man carries guns. You need to get a gun to protect yourself.’ So I went to apply for a concealed weapons permit...

Another victim [308] recalled being scared not only for her own safety, but for that of her son. After his father had threatened his employer that he might do something to hurt someone, the police agreed to follow her son home from work to ensure that he arrived home unharmed. Given that victims frequently stay with abusers because of fears that their children will be at greater risk if they separate, this example illustrates the value of responding to victim concerns regardless of whether legal processes (e.g., restraining orders) require an officer response. This woman described her experience with police as positive, presumably because she perceived them as collaborators and saw them as a helping resource for herself as well as her children.

Another former victim [342] recalled fears that her perpetrator would get away with abusing her as he had with his former partner. He was held responsible only after police helped her access records showing that he was a repeat offender. “The officers over here, I don’t know how they did it on a closed file... but they got it open enough to say, ‘Yes, there is something that needs to be seen.’” This woman described a feeling of

relief that any future victims of her perpetrator would have greater access to protection and justice because police made efforts beyond what was required of them to uncover details of her abuser's history.

Negative Law Enforcement Experiences

Self-defense

Of course, not all victims were satisfied with the responses they received from police. One of the most frequently noted complaints involved confusion between self-defense and mutual combat. Survivors remarked that police seemed unwilling to label one partner as the abuser and one as the victim, instead solving the problem by threatening to arrest both partners. One participant [253] remembered, "In another state, upon calling the police and them responding, we were told if they had to come out again, we'd both go to jail. [It was] very effective to curb violence." One is left to wonder whether such policies are effective at curbing violence, or just at curbing a victim's willingness to report such violence to law enforcement.

In the words of another survivor [310],

The first time he attacked me, before his rehab treatment, I tried to reach the phone and tried to defend myself from being assaulted. So he scammed and called 911 also and told them I assaulted him and therefore he was not arrested, as police was [sic] to arrest me also.

She went on to describe details of another assault:

I was trying to... reach the phone to call 911... and he'd be, 'Go ahead, call!'

And while I was calling 911, he went on the phone. ... Somehow, he got ahold of the phone, too, and called 911. He reported that I was attacking him. By the time

the sheriff's deputies come out, they said, 'Well, people, it's his word against yours. The only way we can do something to him, we have to take you to jail, too.' I said, 'You're kidding!' I said, 'It happened to me before.' I just stood there and was so froze over the violence that I couldn't even react. And I said, 'This time I defend myself, and because he makes the call, and claims that I beat him up... I can't even have him arrested or anything?' 'No, no, we have to take you both in.' I said, 'Well then, forget about it. I guess I cannot file a report.' Another woman [505] expressed fears related to similar remarks from police:

I wish that law enforcement, I wish they were a little bit more respective [sic] because I know that times that I called the police, you know, they were just very threatening. 'We'll take you both to jail.' And I have kids, I don't want to go to jail. I shouldn't have to pay for somebody else's time...

This comment illustrates the point that women weigh a number of variables in deciding whether to reach out to law enforcement in response to violence. Although the fear of continuing battering may be intimidating, the thought of going to jail or being evicted from one's home or children is often far greater.

Perceptions of Poor Treatment

One category of complaint against police seemed best described as "overall poor treatment." In this category fell behavior like blaming the victim for the violence, minimizing its effects, sympathizing with the perpetrator, or treating the victim rudely. One woman [213] remembered an incident with a partner who had already had a documented record of violence, including shoving her in front of her teenage son and spending time in jail for strangling and battering here:

We were in [another state] in our hotel room and he wouldn't let me out of the room. He shoved me and threatened to hit and break my nose. I got out of the room and was yelling for the police. He started yelling for the police as well. The police came and he told them what a bitch I was. They joked with him about women, and then made me give him some of the money I had earned in [the place I used to live]. Then they asked me if there was any witnesses, and told us to leave town separately.

She later added, "The cops may not have believed me because I was drinking." This raises the point that police could be more likely to respond to a classically sympathetic victim (e.g., one who is meekly polite, obviously injured, and sober) than to one who is acting out. Although most people are susceptible to the influence of such source factors (Weiten, 2004, pp. 665-666), the implications become more sinister in the potentially life-threatening presence of partner abuse (e.g., If police officers implicitly or explicitly believe that a victim who is drunk and acting out is "asking to be abused," they may be less likely to intervene on her behalf, which could allow her to be more severely battered or even killed).

Victim 213 was not the only person to complain of abuse being minimized because of a sense that police saw her as unsympathetic. Participant 565 described some officers as supportive, but said, "Others treated me like nothing more than a hysterical woman who didn't know her place, like I shouldn't stand up for myself." Another [568] added, "The police have the attitude that they will just be back again and again, so why take things serious?" Participant 554 reported, "The police were absolutely useless. They took his side and told me to 'go home to Daddy.' Absolutely 100% biased."

Other complaints that officers sided with the perpetrator included the following:

“They did not want to be involved and said he was the head of the house and I had to obey” [256]. “He always called the police for them to take me away and they were willing to do what he wanted” [344]. “Did not remove angry partner. Told me to leave. Let him keep my car keys” [232]. “They let him take the truck and told me that I need[ed] to go home and cool off” [262]. “They took his side and let him stay in my house because he paid rent, even though I showed he punched a hole in the wall, and they claimed I pushed him to do it” [577]. In one disturbing case, a woman [515] talked about her husband, who she discovered had molested her daughter. “[The police] sided with my husband, as he was in his Army uniform... He’s dealt with the legal system. He knows how to deceive the legal system.”

In defense of the officers who are called to high-intensity situations with little to no history about the violent couples, it is worth noting that IPV perpetrators have repeatedly demonstrated higher rates of psychopathology (e.g., depression, anxiety, and personality disorders) than demographically similar non-abusers (e.g., Craig, 2003; Danielson, Moffitt, Caspi, & Silva, 1998; Hamberger & Hastings, 1986). It is not difficult to imagine that an abuser with antisocial personality disorder, for example, might present as a more reliable witness than a crying, emotionally agitated woman who has just been physically abused.

Many victims described feeling as if they were being blamed for the abuse they experienced. “I was completely disappointed that I was treated as the criminal and yelled at and belittled every time I went in to file a report” [269]. Another woman stated, “The police... were always awful to deal with. They also make you sound like you are really

stupid and somehow it was your fault. Like, ‘What did you do?’” [252]. One participant [243] recalled an event from more than a decade earlier. “This was in the late 1980s and at that time the police basically told me to quit ‘pissing him off.’ They saw me bruised and in a terrifying situation, but they left!”

Participant 529 reported that her experience with police was so negative that she would not turn to them if she found herself in another abusive relationship. She explained,

After the rape, the police officers came and they were so mean. That’s part of the reason. Right afterwards, they were insensitive. Like asking, ‘Did you do anything that would make him think this? Did you perhaps do this? Are you *sure* you said no?’ It wasn’t in a very kind way or anything. It was pretty... that was blaming. The detective actually ended up coming back and he was a little bit of the same, and I ended up going to his boss, and his boss was really good about it.

Even participants who described law enforcement as ultimately helpful sometimes felt as if they were being held responsible for the violence:

He said, ‘Go ahead, call, do it.’ He finally said it so many times, I don’t know, I hadn’t really meant to call and I finally called 911 and told them what was going on, and was still pretty hysterical. Within a few minutes, a police officer arrived at the door... One of them went off with [John]. They talked about the situation. The other one went down the hall with me and talked about the situation. Then we came back together in the living room and the one police officer said, ‘Mister [Smith], get your shoes and get out of here.’ ...So they got him out the door and off to his house and the other one came back to me and said, ‘Does your daughter

really need to go through this?’ ‘No, like I really wish it would stop.’ I don’t know if anyone else has mentioned this, but that’s how it makes you feel all the way through. Like you’re the one doing this. It’s beyond the legal system, too. It’s everything and everybody considers you a part of the problem. That if you were doing something different, it wouldn’t be like this. And it’s just not [you doing this], you know. [300]

Whereas some victims felt blamed for the violence, others felt that it was simply ignored or minimized. Participant 232 recalled one police response with dissatisfaction:

[My partner] picked up this water machine and threw it—threw the entire thing and hit me with it. The kids ran out terrified. My sister called the police. [They] came over and they pretty much didn’t have any regard for what was going on. ‘You want to press charges? You want him to go to jail?’ ...And finally, the cop distorted [what was said] and she thought that either he or I had called her a dyke. I don’t even know where that came from to this day. We hadn’t said anything like that. Anyway, the police left, my foot was bruised, that was it. [232]

One victim remembered a painful attempt to report being sexually assaulted by her ex-husband. She was told by a detective,

‘In the state of [X], a husband can’t rape his wife. It’s what we call...’ I think he said domestic violence, I can’t remember. And then he said, like, droning off these criteria that had to be met before it would even be classified as *that*. You know, I think when he hit number four... because he was literally going like, ‘Number one, blah, blah, blah,’ and then I think when he got to number four, I

actually just hung up the phone. I felt so awful. Like somehow I had not... not done something right. [252]

Another woman [304] recalled, “They tried to say I was just setting him up, causing trouble... Using the law to further my case.”

Lack of Understanding

The next category of responses was similar to the previous, but qualitatively different enough to deserve its own group. Some women did not necessarily view law enforcement as the “bad guys,” but did still comment on a need for increased sensitivity regarding IPV matters. Participant 300 expressed her ambivalence when asked about her satisfaction with the criminal justice system.

I don’t know. I still go back and forth, where I don’t think it really helped me to make any phone calls to the police... and I hate to say that because I know what kind of a position they’re in too, you know, with the danger involved... But I’m a firm believer that judges and police officers and people in those lines of positions should also have a background in social work.

Perhaps such backgrounds would help police avoid making comments like, “Well, you know, that’s how he is.” Participant 305 heard this remark from an officer, and described it as negative. Although the police officer might have been stating the truth, framing it in such a way can make an emotionally distraught victim feel unheard and unaided. Victims seem to be saying that they want more than just officers who know the facts about domestic violence—they also want them to be sensitive to the feelings that accompany such complex relational crimes.

In responding to IPV, law enforcement officials are asked to react differently than they would to most other scenarios. One participant [211] complained, “My sister called during a fight. I told her to call the police for me. They called [my] house to verify the call and my beatings became much worse.” This response will be referred to again in relation to the increased danger it presented to the victim. However, it is presented here for its lesson in the importance of considering the quality of the crime before responding in a standard way. It might be appropriate to confirm a 911 call in certain circumstances (e.g., shoplifting) before dispatching a responding officer; however, there are other situations in which such a response clearly increases the danger for a victim. It is difficult to imagine a 911 operator calling to confirm a bank heist before sending out police, for fear of wasting precious time and increasing the danger to the bank employees and customers. Why should 911 respond any differently to a family violence call?

Increased sensitivity to victim experiences can also involve efforts to be more empathic. Although police officers’ primary role is to enforce laws and stop crimes, victims made it clear that they wanted to feel better understood by police. Victimless prosecution laws were developed in response to the high rates of recantations among DV victims. It is easy to understand police frustrations when they lose their primary witnesses in a case. Participant 326 remembered such an incident from the victim’s perspective. “I decided not to file charges and they threatened to charge me with calling in a false complaint.” She described police as the least helpful of the resources she accessed during her abusive relationship. Perhaps she would have responded differently if they would have increased their sympathy toward her and expressed a familiarity with such responses from victims of DV.

This need for sensitivity also carries over to the manner in which officers present themselves during the initial contact with victims. One woman in the study expressed strong dissatisfaction with the officers who responded to her 911 call:

...[T]he female cop come in and she has a tape recorder and she gets up next to me, and my daughter is standing next to me, and she said, 'I want you to say everything he said. Every curse word right on tape.' Because he said all kinds of foul language. And I said, 'I don't want to do this in front of my daughter.' And she said, 'Well, you have to.' So I had to do that... Actually, the highway patrol for this town sucks. They don't care about women. They don't care about what happens to the victim. They just care about the one that causes it. So the whole thing really pisses me off.

Participant 282 provided another example of a wish for a more empathetic response from law enforcement:

My frustration and anger and sadness was I had to leave my home. I had to leave everything that I loved and cherished and go somewhere else. To a strange place, not knowing if he's going to destroy my things, which happened to me a number of times. Well, I lost all the things that were sentimental to me. One of them threw my baby book, my photo album with all my baby pictures, he burned them. He chopped up all the furniture. It was my home—[he] took an axe! ...They don't seem to understand. The police don't understand, because I've dealt with so many of them. I don't want to go to a shelter. I have to go home because I'm going back really to protect my belongings.

Would officers respond with more patience or gentleness if, for a moment, they imagined what it would be like to have to leave their homes and belongings in an instant? If they considered a life in which safety and security came at such a high cost?

Fear of Repercussions

In addition to concerns that developed retrospectively (i.e., after a negative interaction with law enforcement), women expressed reluctance to make initial contact with the police due to a number of fears. The participants were not oblivious to the source effect phenomenon mentioned earlier, and some discussed worries that police would be reluctant to help them, or even punishing, because they would not be perceived as reliable witnesses (i.e., sympathetic victims). One woman [211] remembers being encouraged by a companion to report her abuse.

She gets me in the car and she goes, ‘What the hell are you doing? You’ve got to go to the police!’ And it was like, ‘No, we’re not going to the police. I’ve been doing drugs. If I go to the cops, I’m going to jail, too.’

Another woman [244] recalled, “I smoked pot back then, so would never call the police unless it was a life or death situation.”

Participant 530 recalled that she postponed reporting her abuse for fear of the repercussions for herself, but also for her friends:

[D]uring the time when he [my perpetrator] was running around trying to stay out of law enforcement’s way and the time they finally caught him, if I went to anybody about it, they’d start investigating me because I was harboring a criminal. My roommates, they were harboring a criminal. Anybody that had ever

helped him out... I never sought any [medical attention] because then you'd have to explain yourself to the authorities and I didn't want to go that step.

Other women said that they were scared that danger from their abusers would increase if they went to police. This suspicion was frequently based on actual experience. Participant 211, quoted earlier, recalled that her beatings grew "much worse" after she asked her sister to call the police in the middle of a fight with her abuser. Following that, she reported, "My sister's life and her children were threatened and I was not allowed near her... I was deathly afraid of the consequences [of calling LE] to myself or anyone who might know what was going on. At the time, the police were not viewed as possible allies."

In an argument against mandatory arrest, Participant 293 stated,

They took him to jail only to piss him off more and beat me more... 'Oh yeah, sure,' I'd tell them, 'Turn him in.' He goes to jail for a couple of days, he gets out, I'm out. Oh yeah, right. I'm still in danger, you got it. Huh? What kind of help was that? I didn't get nothing I needed, no support, no nothing... Just put me right back in the same situation, so it made him even madder, you know.

After being in jail for a couple of days, yeah. And he'd still come back at me.

Continuing with the same theme, Participant 507 reported, "Not until last summer did he really do anything. Then, he just shoved me very hard on the floor a couple of times. I had to call the cops on him and that made him worse, I think."

There was some evidence that law enforcement acknowledged the validity of women's fears of increased danger after reporting abuse. One survivor [274] praised police for being frank about this issue. "I was told that [my] partner could go to jail. But

bond was \$20 [in the 1970s], and if I thought [my] partner was angry *before* going to jail, my partner would be *beyond angry* after bonding out.”

Another victim recalled the opposite experience. “They [police] assured me of my personal safety if I chose to go with them during their response to one of our fights last summer, but I was much too afraid to leave him.”

Some were scared that police could not help, and that reports would lead to increased danger from the perpetrator with little gain from law enforcement. Participant 290 said that she never called the police because “[I] didn’t think the violence was bad enough. [I] didn’t want to make him more angry.” “The police would not have believed me. It was rape. He was just simply too violent and there’s nothing that could ever have been done legally,” said Participant 224.

Participant 312 recalled her abuser’s attempt on her life, and reflected, I didn’t even tell the police about that and I guess I should have... but I never did. And that’s something I don’t understand why I didn’t do that, because he was in my home and tried to kill me and I never called the police. Maybe I was too afraid that he’d come after me somehow... get away [from the police] and would come after me.

Another survivor [255] stated,

I wanted to turn him in to police. [A legal advocate] gave me [the] name of women in [the] police department in his town... Asked what would happen if I turned him in. They said they would believe me. I didn’t believe he was stable. [He’d] said, ‘I’ve seen many people die. It’s no big deal.’ Made me worry that if

I turned him in... made me worry about my safety... I thought the police would tip him off that I'd turned him in, and he would seek revenge against me.

Protecting Perpetrator

On the other end of the spectrum, victims were sometimes reluctant to contact LE because of fears of the consequences for their abusers. As one woman bitterly replied, "Did I call the *fucking cop*? No, I didn't want to get him in trouble."

Others protected their abusers for complicated emotional reasons, as Participant 543 described in the following dramatic scene:

They [law enforcement] all had their guns drawn and he had a gun in the jeep. He said he was going to kill me and kill himself... After he hit my head on the rollbar, he started crying and said, 'I promised your grandmother I wouldn't hurt you and I did it anyway.' The cops showed up and I went down and got him off the hook. Just said, 'OK, he didn't do it. It's fine. I'll go with him. It's no big deal.' So they left.

Participants described increased qualms about calling LE when they felt the stakes were high for their abuser if he were to be arrested. Participant 342 learned that her abuser already had a criminal record for battering his previous girlfriend. When she threatened to call law enforcement as well, he begged her not to.

So I, you know, I didn't follow through and sign papers with the cops. He said it would ruin his career because he already had one mark against him, and he's great at adjusting. I mean... he's a great chiropractor, and I didn't want him to lose his career. So I, I didn't...

Hesitation seemed to increase when the perpetrator already had a criminal history, as described by Participant 292. “I was... somewhat afraid of anything happening to him, as far as police stuff, because he had a pretty large history of criminal activity.” Similarly, another victim described an interaction with her abuser, an escaped felon:

That one day that I threatened to leave him, I probably should have gotten medical attention just to check for broken bones, but I never did. What was I going to tell them? ‘I fell down the stairs. I fell down on my face a lot, over and over. Yes, I tripped many times and fell.’ The doctor is *not* going to believe that. They’re going to investigate, social services is going to come to my home, they’re going to completely take over, and [John] is going to go back to prison. I never sought any sort of medical attention.

The layperson might intuitively recoil at the thought of a victim protecting a man who has just subjected her to severe physical battering. He or she might also express surprise at the thought of a perpetrator calling 911 after an abusive incident. However, the complaint of perpetrators using police interventions to hassle victims was another issue that arose regarding negative experiences with law enforcement.

911 as an Instrument of Oppression

After a night of violence in which her abuser was removed from the house, Participant 260 recalled that he returned to their home:

[He] had smashed a window in the basement, and my stereo. Glass and our stuff was thrown all over. *He called the cops on me and reported his car stolen by me.* He was throwing me around, started strangling me and beating on me and pushing me.

Given the level of violence described in the above scenario, one would hope that by the time police did respond, it was quite clear that he was the perpetrator and she was the victim. As mentioned earlier, such assessments are not always easy to make.

Participant 281 recalled being falsely painted as the instigator of the violence:

I run out the door to get away from him and he followed me downstairs, shoving me the whole way, pulling my hair and screaming at me. And his dad's like, 'What the hell's going on?' He said, 'Call the police!' So he called the police and told them to remove me from the house because he was tired of this shit, when it was actually his son that was trying to hurt *me*.

Participant 344 stated that she was strongly affected by her husband's efforts to manipulate her via the police:

There never *was* very much physical violence. I mean, like I said, he would do things like call the cops and stuff like that... I had grown up with physical violence, so I could deal with that. But mental abuse, I didn't know how to deal with. It was way over my head.

Another survivor [284] in her early 20s recalled how her ex-partner's friend used law enforcement to harass her from a distance. "[He] tried turning me in a couple of times. Just being vindictive. Tried to turn me in to the state for not being a good mom. Called the cops on me. Tried to get a restraining order on me." It is easy to imagine how a woman in her position could begin to perceive law enforcement as a source of intimidation, rather than as a potential ally.

Inadequate or Delayed Response

Given the high risk of victim danger associated with IPV (e.g., Bureau of Justice Statistics, 2003), timely police responses are critically important. One angry victim [595] complained about officers' slow response to her 911 call. She stated, "[The] cops finally show up 45 minutes later. It's a 10-minute drive unless you are an idiot." Another [310] reported having better luck with the nearby tribal police force than with the sheriff's office.

I said, 'The Indian police are so much closer to my place than they [the sheriff's] are, and they're better staffed than the county is'... I said, 'By the time you guys get here, I could be dead and buried in the woods.'

Others reported that officers arrived but did little to intervene to address the abuse. Participant 303 remembered being attacked by her abuser when they were visiting a rural cabin.

He grabbed a machete from the top of the door and swung it at me. I ducked in time for it not to catch me, and I finally got ahold of her [daughter] 'cause he took off. He got mad and he took off, so I went in the cabin and grabbed her and jumped in the car and went to the police station. They told me they couldn't help me because I didn't have any marks on me proving that he abused me. So I had to go back to the cabin, 'cause I didn't know my way back home.

Even more disturbing, some of the participants said that law enforcement simply did not react when calls for help were made. Survivor 213 was forced to call police on a number of occasions, in response to her extremely abusive partner. She said that eventually, "[They] refused to respond to my future calls... I called the cops, and they

said they would not come to my house anymore.” Survivor 310, another frequent caller, described an incident in which she had called 911 because her abuser was trespassing on her property. When he would not leave, she said,

I went in and called 911 and I’m still waiting for 911 to show up, and they never show up... So he got off totally Scotch [sic] free off whatever he done to me that summer, and he, nothing happened to him whatsoever.’

Participant 255 expressed annoyance with hard-to-reach officials.

The officer I was told to talk to was never available [after 5 or 6 reported attempts]. So I went to the feds (INS) because my rapist was an illegal alien [sic]. They blew it off, so I wrote my congressman. Months later, I got a response from my congressman’s office. I met in his office with the INS agent. There was ample written proof to deport the man who raped me without even considering the rape. Two and a half years later, INS called me. They still haven’t deported him or taken him into custody! Is the law enforcement completely inept, or does it just look that way?

Other women described a double-bind situation, in which they were in need of intervention from police to avoid further abuse, yet they did not sustain enough injury to warrant such a response. “I called the city police in [a large Northwestern city] for assistance, for safe transport to shelter. I was told that unless my abuser was standing there with a gun to my head, there was nothing they could do,” said Participant 328. Similarly, Participant 567 remembered, “They were called when he ruined our house and said they couldn’t do anything unless he harmed me.”

Participant 252 described frustrations over jurisdiction debates, which led her to be constantly redirected between the sheriff's and police departments. She remembered,

And I couldn't even get someone to come out to my house. I mean, *they wouldn't even come to my house!* Basically, what the sheriff's department told me was, and this is like a quote, 'Well, I guess that's a lesson for you to lock your doors.' My doors had been locked... He got in through the window.

Restraining Order Problems

Complaints about inadequate responses often overlapped with one of the most consistent sources of dissatisfaction. Whether positive or negative, women had a lot to say about legal protective orders:

TOP [temporary order of protection]—total waste. Actually made things worse for [a] woman because then they [perpetrators] can test it because they have to catch him doing it. It acted as something that infuriated him. How dare I control him by putting a restraining order on him?" ...I kind of questioned [the TOP] in the first place because I've heard those things don't work. Called the police and they said, 'We can't do anything unless he's still there.' That was really weird. Made me feel like no matter what they do, there's no protection. [211]

Others echoed her sentiment: "Throwing them in jail and getting restraining orders does not help" [596]. "[Y]our protection order is only as good as the person abides by it" [310]. "I had a restraining order, but it was too ambiguous so they weren't very helpful" [520]. "...He came to my sisters and kicked in the door and took off with my kids. So the state restraining orders do not do any good, nor do they care" [523].

Some victims approached protective orders with high hopes, but were ultimately disappointed when they failed to keep them safe. Participant 252 described her experience after finding out that police would not respond when her abuser sexually assaulted her:

I felt so awful. Like, somehow I had not done something right. That I hadn't been... I mean, I had a restraining order. He was laughing, my ex-husband, saying, 'Well, where's your piece of paper now?' " You know, while he was beating me up and stuff... I think they're really kind of a joke. I'd walk out from work and he would be driving by... He would follow me. I would be in Wal*Mart, and all of a sudden, he'd be standing there. I'd go to Safeway, and all of a sudden he'd be standing there. I'd go to the mall, and all of the sudden, he'd be standing there. So, you know, he was following me. I was getting a lot of telephone calls that were hanging ups [sic]... So then I'd call the sheriff's department and... I mean, they were just so unwilling to do anything. They were like, 'This is a civil matter. You should contact your attorney.' And I'm like, 'But I have a restraining order. He is stalking me. He's calling me all the time.'

Other survivors agreed with the feeling that they had to prove that the situation warranted enforcement of the restraining order. Participant 269 stated, "I was completely disappointed that I was treated as the criminal and yelled at and belittled every time I went in to file a report. When *he* violated the restraining order." Participant 310 complained that efforts were not made to serve the order.

Because of all the mistakes, the new officers on duty never checked with the ones before and therefore didn't receive all [the] new information on his new hiding

places. Therefore [he] was never served the temporary restraining order and therefore [he] never got [the] permanent restraining orders either. And he was never charged with anything as he was consistently on the run.

Participant 321 reported initial relief that a protective order was granted, followed by later disappointments:

Subsequent matters were ignored (i.e., TOP violations)... They did not check his prior record on out-of-state TOPs and arrests... TOPs should have been enforced. His conviction record should not have been expunged.

Some women reported incorrect understandings of how restraining orders work.

“I had gotten a restraining order the one time I had left, and I did go back and then permanently left. So the restraining order was not any good after that” [345]⁴. Others indicated that they simply did not find them to be viable resources. “I’ve tried to get restraining orders, but he’s prevented that.” [515]

Participant 575 framed her disappointing restraining order experience as the result of being in a rural area. “Small town didn’t want to seem to be bothered. Called on restraining order and they said they would make a note of it.” Her complaint was just one of a number about small town politics or “good old boy” connections.

Rural Law Enforcement, Prominent Perpetrators, and Nepotism

Of the 85 women who were studied, 12 reported that they lived “in the country” when the abuse occurred, and 7 stated that they lived in rural areas for a portion of the

⁴ Though commonly misinterpreted by victims, perpetrators, and sometimes law enforcement officials, restraining orders that are served on perpetrators cannot be violated by victims in most states (unless an order has been served on the victim, as well) (C. Fiore, personal communication, April 27, 2005).

violent relationship.⁵ Some of them remarked specifically on the challenges of trying to escape abuse in smaller communities, especially when the perpetrator had longstanding connections to those in power. Participant 505 remembered her frustrations with the legal system:

I contacted that police department and they came out, but because my father-in-law had been living in that area for so many years, they wouldn't do anything, because he was so highly regarded in that community and he was a part of it.

A similar experience was reported by Participant 304 in describing her ex-husband's connections.

He lived here quite awhile and his dad flew with the judge... There's nothing I can do, no way to prove it. The judge told me I was taking advantage in my custody case because I called the police. I guess I was supposed to be waiting to be beat the shit out of before they'd do anything, before I was supposed to call anybody.

Another victim [305] described her marriage to her rancher husband: "I lived in a rural Montana town [and] reported [the abuse], but police didn't offer protection... [I] would never turn to police over there again." In response to the question, "If you have not accessed some or all of these [community] supports, please tell us any helpful information about why you did not," she replied, "Most were not available. Closest services 150 miles away." Given her limited resources, the decision not to turn to police has potentially serious and dangerous implications.

⁵ The remaining did not answer the question (n = 4), or stated that they lived in a "city/town" (n = 62). Given Montana's status as a rural state (Catalog of Federal Domestic Assistance, n.d.), it is likely that many of the participants who identified themselves as living in "towns" were exposed to challenges (e.g.,

Participant 229, a full time rancher during her abusive 14-year marriage, provided a similar response to the same question about her decision not to access community resources. She stated, “[They] were not available or [were] too public, especially in a rural area.”

When asked if her police response had been positive, Participant 519 (who lived in both the country and urban areas with her attorney husband) responded, “Police did not seem to want to get involved with who my ex-partner was.”

Even participants who lived outside of rural areas remarked on the challenges of using law enforcement when their perpetrator had powerful connections to the criminal justice system. The most threatening among these was when the perpetrator himself was an officer of the criminal justice system.

When asked, “If you used the police, was the police response positive?”, Participant 220 responded, “Scared to use police because he is one.” Another survivor [273], a full time law enforcement officer herself, stated, “The local judges [were] afraid of my husband, the sheriff.” Participant 281 acknowledged that she would not turn to law enforcement for future problems “because he’s [her perpetrator] supposedly a police officer in [a Pacific northwestern state], so I don’t trust him.”

Participant 506 addressed the risks of powerful perpetrator connections with one of the more chilling accounts in the study:

He beat me so severely that I miscarried my child... My husband is facing manslaughter charges because of the death of our child, and two aggravated assault. I’m really frightened because one of his best friends works for the justice

influence of prominent perpetrators) that might have been minimized if they lived in more urban cities or states.

department, he works for the witness relocation program. And with my husband being a federal worker, I mean it's really sad, because he has a lot of access. My husband and his family, they are financially well off. And unfortunately, that gives him more access to private detectives. You know, doing other things to help track me down.

Positive Court Experiences

Supportive Responses

In contrast to the ratio of positive to negative police interactions, the women in this study listed slightly more positive than negative court experiences⁶. Analogous to their remarks about what they *liked* about law enforcement, participants listed support, sensitivity, empathy, and competence as some of the most appreciated qualities of effective attorneys, judges, and other representatives of the court system. The last characteristic, competence, encapsulated variables such as timely processing of cases and clear communication with victims. Responses in this category included: "The case was handled fairly fast and everyone was fairly supportive" [221]. "The case was dealt with quickly" [271]. "Quick divorce" [328]. "[The judge] understood my situation" [242]. "I felt they [the court system] were on my team" [244]. "[The] facts were there and documented [by the prosecution]... The judge saw the facts and was very responsive" [280]. [I] always found judges aware of women's issues" [596]. "Although I may not have agreed at the time, the judge did a good job at being fair and just" [315].

Women expressed appreciation for officials who took the time to explain the aspects of the legal system that were relevant to their cases. It was important that

⁶ Participants described 62 examples of positive interactions with the court system, compared to 57 descriptions of negative experiences.

prosecutors, judges, and legal advocates understood that what was so familiar to them could be utterly confusing to an IPV survivor. Participant 310 appreciated the advocates at a crisis center who helped her with her temporary restraining order (TRO). “They walked me all the way through getting the temporary restraining order, which is so wonderful... they took me step by step through everything, and that was, they was, very loving and very kind.” When asked what went well in her overall experience with the court system, Participant 565 responded, “The explanation that, had I not struck back, he would’ve been found guilty.” Participant 231 noted that Victim Witness helped her keep track of her perpetrators whereabouts—an important element of safety planning. “They let me know when he was in jail, when he was out, etc.”⁷

Others remarked on flexibility that made the difference between feeling safe or endangered. Participant 232 was frustrated by her state’s strict divorce timelines.

At the end of that relationship, I filed for divorce and basically went in that day. It was [Midwestern state] law, so they don’t grant a divorce for a 3-month waiting period, and it’s not final until 6 months if you have children [she had 3]. But I had worked secretly with an attorney to get an appointment with the judge so that we could walk in [and] say, ‘This is the situation. There’s violence. Here’s documentation legally.’ And then get an order to keep me and kids secluded until the first court hearing. So they stepped it up.

⁷ This seems noteworthy when compared to complaints made by other women about frustrations at discovering that their perpetrators had been released without their knowledge (e.g., Participants 346, who stated, “They sent him home. The girl downstairs didn’t know they sent him home and she brought my son back upstairs.” Her son was ultimately severely beaten by her partner. Similarly, Participant 523 expressed anger as she recalled her lack of preparedness when her abuser kidnapped their children. “The cops never even let me know they let him out of jail!”).

This provided an excellent example of how a judge and attorney can make special efforts to accommodate laws that might not be well-suited for individuals in violent relationships.

Another survivor [256] commented on her interaction with a supportive judge.

And so one day I just took all 5 girls into town, told him I needed the car, and I found an attorney that we talked to. And he took us to court and I got into a battered women's shelter in [Pacific Northwest state]. And the judge let his daughters come to the shelter, too, because the oldest one was 14. [S]he refused to go back to her dad if I didn't go, so we [all went to the] women's shelter.

One can imagine what the repercussions might have been if the judge had taken a “hard-line” approach and ordered the abuser's daughters to return to their father. It is likely that the victim would have gone back, as well, with her biological daughters in tow.

Participant 305 praised her experience with a judge in her rural community.

“[He] validated my need for an OOP [Order of Protection], treated me with respect and dignity.” Participant 310 also appreciated the judge in her case. “The way the judge [saw] where I was under physical and emotional strain [and] was kind and would let me talk and give my side.” For a woman who has lost her voice through an abusive relationship, simply listening can be interpreted as a significant act of kindness.

Supportive behavior was emotionally validating, but it was also appreciated by victims for other reasons. Participant 346 lost her son after he was abused by her partner. She remarked that the judge in her case helped her to move in a direction that was ultimately just where she needed to go. “Part of the thing with the judge, to get my son back, was to go to work... which didn't bother me. I liked to work. And the job helped,

being able to stand up on my own. It helped me.” In her case, the judge offered encouragement and a model to regain the confidence and control over her life that she lost while married to an extremely violent husband.

Helpful Resources and Individuals

In addition to the general comments listed above, participants identified specific individuals and agencies as particularly helpful. It is worth noting these examples, as they provide important models for how to successfully work with IPV survivors. Table 3 lists responses to the question, “Was any agency or person particularly supportive?”

Table 3

“Was any Agency or Person Particularly Supportive?”

Legal Responses

Participant Number	Response
213	“Citizen’s Advocate.”
221	“My crime victim advocate was very supportive.”
231	“Victim Witness.”
233	“My lawyer.”
244	“Montana Legal Services.”
253	“Legal Aid, here [city in Montana].”
258	“Legal Service Assistance.”
269	“Legal Services (Crime Victim’s Advocate).”
280	“Legal Aid and supportive attorney.”
290	“Montana Legal Services-- The family law advice clinic.”
292	“The legal advocate.”
305	“Justice of the Peace, Tom [Jones]— [rural town], MT.”
310	“Lady Judge [Smith] from [rural Montana town] District Court was very compassionate and helpful.”
315	“The clerk reporter and the deferment counselor were both excellent.”
328	“Crime Victim Advocate office and family law clinic.”
529	“Assault Services in [small MT town].”
548	“My lawyer.”
559	“...Legal Services... family law practice services.”

Those who elaborated on details described the agencies or individuals as helpful for the various reasons described throughout the *Positive Court Experiences* section. One response did not fit into any of the other subcategories, but is worth mentioning in light of other findings.⁸ Participant 559 elaborated on her experience with Montana Legal Services:

It's family law practice services where you actually do the paperwork if you fit into a price range and they just help you, walk you through it so you're filing your own papers. So it doesn't cost you anything to have legal advice. And that is a great service. That's helped me a great deal. 'Cause I paid like \$300 for filing fees and someone was always in there to help me file my papers. And the computer programs and everything in there were just phenomenal.

Restraining Orders

As in the law enforcement section, victims had both positive and negative things to say about their efforts to access restraining orders through the court system. Many of the comments overlapped with themes mentioned throughout the *Positive Court Systems* category (e.g., kindness, support, and prompt responses). Others simply identified it as the most salient factor in their assessment that their court cases went well⁹.

Participant 305 remarked on her appreciation of the judge's efforts to assure her access to the benefits of a restraining order. "[The] judge came out on Sunday afternoon to issue the order. Was supportive and made sure I had a safe place to go." Another woman who had left her partner only 3 months earlier commented on her gratitude and

⁸Although only one participant commented specifically on the benefits of low-cost legal assistance, many others criticized the lack of such a service (as described under Negative Court Experiences).

⁹As exhibited by responses to the questions, "If your case went to court, did the judge do a good job?" and "If your case went to court, did the prosecution present your case well?"

surprise after she received a restraining order. “The only issue in court so far has been on a TOP [Temporary Order of Protection], which I was overwhelmed that the judge listened to me and granted my request that it be made permanent” [320]. Participant 292 described the relief that she felt at obtaining a restraining order: “The legal stuff was helpful. Just to have that protection and know that he was totally going down if he tried to come violate me.”

Participant 231 had limited experience with the court system, but she described the judge in her case as doing a good job. “It didn’t really go to court, but *I* went to court and the judge issued a restraining order right away. He also warned my partner in person to stay away from me.” This illustrates another example in which the legal system is able to provide a voice for women who have lost theirs over the course of the abusive relationship. When asked what went well in her case to obtain a no-contact order against her abuser, Participant 242 concisely stated, “He stayed away.”

This sentiment was echoed by Participant 290. When asked to identify the supports that had been most helpful to her in dealing with her abuse, she stated,

...[T]he restraining order that I have against him. Because he would be calling me 6 to 12 times a day, everyday. He would call me at 3:00 in the morning... and so that just makes me feel a lot better. I mean, he could go against it, you know. And a lot of times they do, but just knowing that if he does, there’s consequences. That makes me feel a lot safer.

In spite of the awareness that a protective order is ultimately no guarantee of safety, participants continued to see it as a worthwhile legal resource. Participant 310 expressed her sense that the order was more than just a piece of paper. “I did get my

permanent one, which is good ‘til 6... No, I had a choice of 6 months, but I took a year.” The choice to extend it for the longest period possible illustrated her faith that the order provided a valuable tool in her overall efforts to safety plan.

Another survivor [252] emphasized the sense of safety that her restraining order gave her, as well as the role it played in helping solidify her permanent separation from her abuser.

And so part of it was out of my control because the restraining order worked both ways. Because at times I felt overwhelmed with guilt that all, what a bad person I am. I’m not letting him see his son. And, you know, maybe I really did make this overly worse and maybe somehow it was all my fault, and gosh, what a bad person. How could I... how could I really do this? If it wouldn’t have been for the restraining order and for the state pressing charges, you know, I seriously doubt I would of followed through with it.

Participant 308 remarked that her restraining order gave her peace of mind that she really could separate from her abusive husband of 22 years. “Got a restraining order and went back to work that day, just like, ‘1-2-3, this is how you do it.’” She described legal resources, specifically identifying her restraining order and divorce, as the most useful type of community support that she accessed because it challenged the ideas that had been planted by her abuser, who “always had told me if he couldn’t have me, no one else would.”

Legal Intervention as a Mechanism for Separating from the Abuser

The above examples were not the only ones that discussed legal interventions as helpful in terminating abusive relationships. Protective orders (POs) helped women stay

away from abusers, but so did divorces and legal separations. Another PO reference was made by Participant 310, when she was asked whether she still had contact with her perpetrator. “With him? No, no, no. Otherwise, we would be in violation of the restraining order, and I don’t want... No, no, no.”

One of the participants [315] had been in her violent relationship as a minor. When her parents discovered the abuse, they instigated court proceedings against the perpetrator. The victim remembered,

There was a restraining order, so by law we were not allowed to see each other, but it took a long time for my brain to transition that it [the abuse] was wrong... I don’t even have the words to say it, like I had been probably detached cause the court made us stop seeing each other and everything...

Although she said that she was initially resistant to outside intervention, with time and distance, she was ultimately grateful to her family and the court system for interfering with the violence.

Participant 232, mentioned under *Supportive Responses*, discussed the value of both a restraining order and judicial assistance in her attempt to permanently leave her violent husband. Participant 346 talked about returning to her abuser in the past after he pleaded with her to do so. “That was it. I felt sorry for him and I really thought I loved him. That’s funny. That totally changed after I filed for divorce and he was gone... after he hurt my son.” Others also recognized divorce as a point of no return in the relationship. “I always threatened to leave him. From the day that the violence started, I kept telling him that one day we would be divorced,” said Participant 532.

“Believe it or not, as much as I wanted out [with] the divorce, it was one of the hardest things I went through. That was really difficult for me, but I was glad I did it. There’s a part of me that wanted to be with him, but I didn’t want to be with the other part.”

Participant 559 expressed less ambivalence regarding her wish to separate from her abuser. However, she also identified legal assistance as important to her ability to finally rid herself of her violent husband.

...I had my lawyer call him and say, ‘If you want any more contact or anything, if you want to go to court and fight for this, you have to come to [Town].’ Because he was born in [State]. ‘You have to get a lawyer from [State]. You have to pay for all the legal fees, everything to do this. And if you’re ready to do this, bring it on.’ And he freaked out, signed all the papers, and I haven’t heard from him since.

With her attorney’s help, this woman was finally able to leave an abuser who otherwise would not have been as willing to relinquish his control over her.

Participant 318 described an extremely dangerous abuser, and noted that she would have had a much harder time leaving him without the intervention of a court-imposed separation.

He stole a truck and took off. For like 2 weeks, I didn’t see him at all. And when he came back, he was arrested and went through the whole court system and he was on house arrest. I didn’t go see him for 2 months, and I think that initial separation enabled me to distance myself. And then, what really did it... He tried

to kill somebody. He shot somebody five times and was sent to prison for like two 8-year sentences.

Justice Through Legal Recourse

Many women expressed sentiments that perpetrators received fair sentences, and they expressed satisfaction that the men were in some way held accountable for the abuse. It often seemed less important that the penalties were stiff, as long as they existed at some level. Participant 310 reported satisfaction with what some might describe as too light of a sentence. “On the last assault, all the officers worked together, and for trying to kill and [stealing] \$300 - \$500, he actually got 5 days, \$1000 fine, and has to take 6 months of anger management.” Participant 318 (mentioned above) was in agreement with her perpetrator’s punishment. “For what he was sentenced, I believe the judge responded accurately.” Participant 213 was pleased that her abuser “had to attend anger management.”

Others described court experiences as their long-awaited opportunities for vindication. Participant 596 reported a positive experience with the court system, and attributed the quality of her interaction to the fact that it “made [her] abusive partner responsible.” Participant 532 had similar comments:

He did admit in the divorce that the main reason of the divorcing was the fact that he beat on me. That was the first time that he ever admitted that he actually did it. That improved the relationship a little bit, I think. He actually acknowledged his faults.

In an even more dramatic example, Participant 519 recounted a bittersweet public confirmation that she did not fabricate her spousal rape.

It was really interesting because I had to have one attorney and he pushed for me during the deposition to confront [John] about the rape. I had gone through a period where I had horrible anxiety attacks and panic attacks and went through severe depression. I think I knew why, but there was so much stigma attached to, especially in [Midwestern State], to spousal rape. ‘Is it a possibility?’ And date rape. People don’t understand what that was, nor do I think that I did. When we had this deposition and they were asking about violence in the relationship... They said, ‘What was the worse thing he ever did to you?’ I said that he raped me. I was sitting directly across the table from him, and I will never... All the affirmation that I needed was the look on his face. And he got up, and he went across the table and missed by head by about a foot, and stormed out. I knew then what I was talking about.

Participant 258, too, commented on the court’s role as witness to relationship dynamics that typically took place only in seclusion from others. “He was trying, [but] he can’t control his anger. He did that with the judge. My lawyer tells me this, tells me that’s good because the judge saw that.”

Sometimes, victims were surprised to find some sense of validation in their court experiences. Others were quite clear in perceiving the justice system as a tool for seeking retribution for the abuse they suffered. Participant 515 provided one such example:

In time, my anger will go away, but he has done so much to me that I want revenge. But I will do mine through the legal way. I’m doing the legal system. That’s my only intent. I will take him down legally, because that’s the way I want to take his ass out. I’m doing it every way, legally.

Children: Positive

Sixty-two percent ($n = 53$) of the women in the study reported having children during the time of the violent relationship. Although there were more complaints than compliments regarding the interaction between the legal system and children, some participants did express satisfaction in this area. Participant 290 was grateful for assistance she received in developing a parenting and custody plan. She identified legal services as the most helpful support she received throughout her abusive relationship, and explained, “Knowing that I have custody of [Jimmy] makes me feel a lot safer. I mean, yeah, he can threaten me with it, but if he ever did take [Jimmy], they’d be after him.”

Another mother [519] was relieved by the parenting structure and rules imposed by the legal system.

I was going to court because people were telling me that I was going to have to let my daughter go on visitation and I was a nursing mother, and my daughter didn’t have any contact with her dad until she was about 2 ½. I do have to say that it changed family law in that he had to go through steps. He had to be consistent. He had once a week for an hour, and he always had to show up. And then it was 2 hours, and it was always in my home. It was like a 5-month process that he had to go through, steps until he could get her for 6 [hours] in a day.

Participant 532, whose daughters were 10 and 11 at the time she left, talked about their responses to the legal action she took. “That was tough, and I’m not sure the kids flat understand it, though they were happy with the divorce. They were glad we weren’t living together, and they always thought we fought too much.” The children ultimately ended up living with their father, so the survivor continues to have some dealings with

him. Many of the mothers in the study were obligated to maintain contact with their abusers because of children in common. Unfortunately, a number of the participants expressed dissatisfaction with the legal system's response to parenting issues.

Negative Court Experiences

Children: Negative

Participant 252 discussed the need for improved family studies to inform custody decisions in domestic violence cases, and to challenge the current trend toward keeping domestic violence charges separate from decisions about parental rights (Austin, 2000). She reported that she still has to see her ex-husband when they exchange their son for visitations. She sounded livid as she described the details of their custody plan. "He now has non-supervised visitation with my son and that was very hard for me, because what the judge said was that 'Just because he's violent, doesn't mean that he's a bad father.'" This decision was made in spite of the fact that the perpetrator had threatened to abandon his wife when he first learned that she was pregnant, because he did not want another child. Additionally, he pushed the victim shortly after she gave birth to their son, causing her to fall and knock the newborn's head against the wall of their hospital room.

Participant 272 expressed a similar grievance. "[The judge] gave my ex-husband the right to see his child. He was an angry, hateful man. He tried to kill. He had no right." Many survivors discussed their ongoing anger toward their perpetrators, as well as their unhappiness with being forced to continue contact through their children. One mother [519] stated, "I told my current attorney, 'If I had been raped by a stranger, you would not expect me to deal with that person on a weekly basis.' Yet I have to see him. My daughter has visitation. He is remarried, and I have a lot of guilt that comes with her

being there.” She said that she has decided to be open with her daughter about the domestic violence that occurred in the past:

She knows that her dad pushed me around. She knows I came here today. She understands that, and one of our judges has said to me, ‘You’re ruining your daughter’s mindset about her father and you’re gonna make her afraid.’ I said, ‘No, I’m just being honest with my daughter, because I don’t ever want her to get into a relationship [like] I did.’ She knows that this divorce has not been easy... She does not trust him. He drug her to court once when she was 3 years old. She can see the power and manipulation.

Another mother gave an example of how children can be used as leverage to maintain ongoing power and control.

We arranged to meet in [small Montana town] for him to see the kids for the summer. Summer went well. We talked every 2 to 3 days. Three days before their return, he told me, ‘When you get here, I’m going to blow your head off.’ He was holding the kids. I drove there with my brother [a cop]. I was berserk. There was no legal way to get the kids back. We met at the train depot [while] my brother hid behind the building with his gun drawn.

She said that she now maintains only phone contact with her ex-husband, and that is limited to brief comments when he calls to talk with their sons.

Participant 271 said that she has ongoing contact with her ex-husband only because my children have *the right*, according the court, to get to know their father... He’s in [large Western city], but he’s threatened to take me to court now because I refuse to give him visitation because of that last time they were there.

the children got hurt very badly. I talked to my attorney. He says not to worry about it, because we've been struggling with this forever, since the court gave him visitation. And this last time it was a real doozy, and there's just no way I'm gonna put my kids through anymore.

Participant 530 learned that she was pregnant after leaving her abuser. She described how the discovery forced her to recontact him, and allowed him once again to hold influence over her by prolonging their need for interaction.

I knew I needed his signature for release of parental rights, for the adoption to take place. Otherwise, we had to go through this whole complicated thing where I had to claim that I had no idea who the father was, and I'm too prideful to be like, 'I was sleeping around so much, I haven't a clue.' ...I decided to track him down, when I heard he was in town, to sign papers. Every time I met with him, he refused to sign them.

Although the majority of participants directed their custody-related anger toward their former partners, some also discussed frustrations toward judges or prosecutors. Participant 304 said that she did not feel the judge did a good job in her case.

He gave the children to their father, gave him all the assets, and gave me no money or anything to sell to help support myself. He said I just caused more problems and used the law to try to further my custody case, even when there were documents of abuse to myself *and the children* to the point of supervised visitation... The defense for my ex just twisted things to make me look bad.

Participant 346 also voiced complaints against the court system, and said that they did too little to enforce child support payments. However, she acknowledged that it had

been 30 years since she left her abuser, and she noted that both laws and attitudes about partner violence have changed for the better over the past few decades. Unfortunately, not all victims shared her optimism.

Participant 547 asserted that the judge in her case unfairly awarded custody of her children to her husband:

While I was in treatment, they went through court. Somehow there was a hearing right away, and the judge awarded him custody of the kids and put a restraining order on me that was good for a year. And I had to stay a football field length away from [J], my children, and our home that we were buying. I didn't even know that this was going on. I was never informed of it or the hearing date. Later on, [I learned] it was due to [my chemical dependency center's] confidentiality laws. They couldn't serve me with a summons to go to the court date, and so [when] I got out of treatment, I eventually was served with a restraining order.

I went to the judge there in [small Montana town], Judge [Smith], and you can leave that on the recording because he is the biggest asshole in the state of Montana. He told me, 'Well, we gave you a summons to come to court and you never showed up, so that is why he got custody of your kids. You didn't show up to defend yourself.' I said, 'I was in treatment. I can prove it, my dates. I never knew there was a hearing or I would have been here.' But he refused to listen to me.

Insensitivity

In spite of an increase in efforts to educate members of the judicial system about dynamics of IPV, many victims still feel unsupported and misunderstood by judges and

prosecutors. Participant 252, mentioned earlier for feeling dissatisfied with a judge's decision to allow her abuser to visit their child, recalled the judge saying,

'It sounds like he has a problem with *you*. ' Like somehow I was the problem.

And so, therefore he said, 'I don't carry that away [as] a problem with his son.'

And I thought that was, like, real bizarre reasoning, but it's kind of one of those things that you really don't have any control over.

In an even more disturbing case, a woman [281] said she would not turn to the county legal system again because

I overheard the district attorney talking to [my abuser's] attorney, and he said by the sound of it, the type of person I was, it sounded like I deserved the way I was treated. He didn't even know why he was given the case.

As in the law enforcement section, this raises the issue of challenges faced by victims who do not present as classically sympathetic.

Other victims echoed the sentiment that what they wanted most from the court system was to feel heard and understood. Participant 505 complained that she did not feel positive about her experience with the courts. "They blamed me for staying... Domestic violence isn't a choice. They could support you better." When asked what could have improved her experience with the justice system, Participant 529 suggested, "More feeling." Participant 547 was nearly as concise when she stated, "The judge was a jerk." As described earlier, she reported that she was not given a chance to respond to an important court summons, and that the judge ultimately awarded custody of her children to her husband because of her failure to appear. Participant 256 recalled angry feelings

toward the judge in her case, and stated, “He was in a hurry to catch a plane, so he did not do his job!”

One woman [252] reflected, “The judge wanted black and white facts and didn’t listen to the emotional, “icky” stuff.” Participant 269 appreciated help from her crime victim’s advocate and friendly court clerks, but complained about her county attorney’s lack of empathy, and said that overall, it was “not a good experience [because he was] not supportive.” Participant 271 echoed this sentiment when asked about her impression of the court system. “I felt there was not enough concern... I did not have an advocate.” Participant 548 said that her lawyer *was* helpful, but expressed general dissatisfaction with the legal system. She stated, “They threw out my case,” despite the fact that her ex-boyfriend had attempted to strangle her.

Participant 256 reported,

I went to court for a legal separation. It was just horrible. He got everything he wanted. Took all of my \$4,000 out of the bank [and] gave it to his folks... And the judge let him get away with it. I mean, he just got away with everything.

Participant 565, too, commented that the courts made too many mistakes and lacked understanding about the dynamics of DV. “Size, the weight, isn’t a consideration. It’s a ‘man’s world’ mentality... [They need] a better understanding of the fear involved in dealing with someone bigger and stronger.” Another former victim [282] discussed her own confusion. “One thing that truly, truly upsets me to this day is I don’t understand the laws. That the man gets to stay at home and the women and children always have to go to the shelter.”

Stiffer Sentences

A number of participants shared comments that reflected a perception that legal outcomes were frequently unfair to victims, but also not strict enough or otherwise appropriate for perpetrators. Participant 269 expressed disappointment that her judge gave her ex-boyfriend, who had been both physically and emotionally abusive, “the benefit of the doubt, which was wrong... It was a long, drawn out process, for no apparent reason other than they thought it would just go away on its own—He didn’t!”

Participant 221 said that she was aware of her ex-partner’s proposed sentence, and said, “I think it should have been different.” Another survivor [321] said, “The sentence was acceptable, [but] subsequent matters were ignored (i.e., TOP).”

Others reflected similar responses. Participant 523 wished they would have kept her abuser in jail for a longer period of time. Participant 529 said there was “not enough punishment” for her perpetrator, who raped her. Another participant [591] recalled,

[J] was arrested, convicted, and sentenced for only 5 days... [He] would’ve needed a seriously stiffer sentence. I would have preferred 1 month, first offense... [The courts were] too lenient on sentencing. No real protection in a restraining order to prevent more abuse... [They should have ordered a] felony charge, not a misdemeanor, and stiffer probation.

Participant 281 clearly expressed her sense of disappointment in the judicial system and its willingness to order appropriate castigation for her ex-partner’s violence:

He took both of his feet and kicked me against my stomach. One of them hit me in the arm and one of them hit me in my 7 ½-month-pregnant stomach. Well, we went to court because I got a restraining order against him. We went to court and

a jury [ordered] him not guilty because I was on his job site... He was a security guard and... he said that he used what force was necessary on his job site, and because he called the police, which he didn't. I called them, and he took the phone from me and hit me with it. And then got on the phone and told them to come and remove me from the place because of where I was, which was his job site. He's the one who went to jail that night. He was in jail overnight. I went to visit my daughter the next day at SCF. And they took me to the domestic violence people to get the restraining order and to get pictures taken of all the bruises. And the hospital had taken pictures of bruises around my neck and on my stomach and everything, and the ripped shirt I had on. And the jury still found him not guilty. They don't really protect anybody.

Another woman [213] made the point that victims are not always seeking harsh punishment for their perpetrators. She reported, "I believe more counseling should have been required." Participant 310 shared a similar sentiment:

He got at least 3 days out of jail this time. He got \$1000 worth of fines, which doesn't do me any good, you know. But I wish he would get more counseling. I mean... 6 months of counseling, back to the same place where he [was]. But that's only 2 hours, 2 hours a week. I don't know if that's gonna help enough to change a whole lifetime of violence.

When asked to describe her experience with the courts, Participant 293 complained, "He only got a slap on the hand, no treatment." When asked what mistakes had been made, she stated, "Letting him out of jail without counseling." Additionally,

she wished that he would have been removed from her home and served with a restraining order.

Expense

Some of the participants shared that they found the cost of legal assistance to be prohibitive, although Participant 220 said it was “expensive, but worth it.” Not everyone agreed with her evaluation. Participant 515, who had recently divorced her abuser, said, “I got really angry because I felt as many lawyers as I’ve contacted, it’s just so expensive.” Another [595] reported in frustration,

The legal help in this town is an absolute joke. They tell you, if you are in an abusive situation, that they will put you on a waiting list with Montana Legal Services, and it is almost a 2-year wait. So you could be dead, because lots of men come back and murder their wives... You call up and there is a lawyer referral service. They can’t actually refer you to anyone, but they give you the lawyers that live in your area. So you go to the yellow pages and basically hunt and pick, and call up everyone and see if someone will take you for a cheap retainer fee. The basic retainer fee is \$2500 and up. I have a lawyer that is okay. He is out of the country right now and I have his assistant. He has a reasonable retainer fee, but I had to give up my college grant for that. If I had not had that, I wouldn’t have a lawyer. The legal system has nothing for women.

Time Concerns

Concerns about legal fees were joined by complaints about the cost of time delays. Many women expressed an eagerness to be separated from their abusers, as well as frustrations with a legal system that was not designed to accommodate speedy divorces

or custody arrangements. Participant 232, mentioned under the *Supportive Responses* section of *Positive Court Experiences*, described obstacles presented by her Midwestern state, which imposed a 6-month waiting period for parents seeking divorce. Participant 532 also recalled, “The last year we spent apart, but in order to get a divorce in [State], you have to live apart for awhile before they’ll grant it.

Although Participant 252 said that she wished she’d had more time to present in court, she ultimately complained, “The last couple of years have been just a long, long legal battle.” When asked what could have been done better in the court system, Participant 258 said it would have helped to “quickly process” her case. Participant 554 said that the courts “did not process [my] restraining order fast enough.” Another survivor [290] denied that anyone directly interfered with her efforts to seek legal help, and then clarified,

No, it was mostly just time. They would always take so long to do, like, my custody thing. And the parenting plan took from March until July to go through. And the restraining order... I mean, they got that done in 1 day, but they said, ‘He’s going to be served within 3 days.’ And he didn’t get served for like a week and a half, and in that week and a half, he called me and stuff like that. So you know, that was the only thing that wasn’t cool. It took a long time.

Participant 244 appreciated the assistance offered by Montana Legal Services, but described them as “sometimes limiting” because they “can be hard to get in touch with at times. [It’s a] frustrating nightmare to get in touch with them.”

Participant 521 also commented on her frustrations with time delays, which she attributed to her attorney:

There was already an action pending with the legal separation signing in district court. It had to be filed by district court. Personally, I don't think my attorney handled it right. He should have... I filled out those papers on the 23rd of April—and he didn't actually get them filed and modified them and my stipulation with my husband's attorney—and it wasn't filed until the 22nd of May. And he tried to tell me that it was because the judge was out sick and he didn't file and stuff. But I think he just put it off and made excuses, because I've talked with another attorney since who filed it with another judge.

This legal garbage... This is the end of August, and he moved out in April. And the 4th of September, we'll finally go to court for a parenting plan and child support. And his attorney was able to put off an emergency hearing for child support because he was gone on vacation. How they could do that, I don't understand. And the first time it was put off because the court forgot to send the legal notification to his attorney. It's all legal maneuverings, and in the meantime, we're going without.

Prominent Perpetrators

As with law enforcement, victims sometimes encountered difficulties with the court system related to a perpetrator's status or power in the community. When she discussed the termination of her marriage, Participant 273 reported,

He was the sheriff of the county and it was difficult divorcing him. It was hard to find a lawyer. Any lawyer that could operate in that county would have also had to use his sheriff's department, and that's the way he looked at it. So it was very

awkward. So I found a lawyer that he already hated, and he did agree to handle it. But I had to go out of the county to find judges that would handle it.

She was more fortunate than some in that she was able to transfer her case to another county with unbiased judges. Participant 519 was not as lucky. She stated, “My ex-partner is an attorney. *No one* seems to want to go against him... My ex was able to get away with many things no one else should have... [A] change of venue should have been granted.” She went on to describe other perceived injustices that have arisen as a result of his position and connections to others:

There was an incident where he and his wife played strip poker with my daughter and her kids, and stuff like that. The county that I lived in refused to go investigate the situation, but he is the head of the Democratic party in the state of [Midwestern State]. He is a very influential person. I have found that nobody really wants to mess with that. No one really wants to go up against him, for whatever reason, which makes it all the more difficult for me... My daughter’s father has been pulled over for DUIs four times, and it’s kept out of the paper and never prosecuted... I see Congressman C on the TV, and I was like, “There’s my husband [in the background].” Thinking they’re larger than life, because they’re allowed to get away with so much stuff. It’s just really scary.

Participant 304, discussed in more detail under the *Rural Law Enforcement, Prominent Perpetrators, and Nepotism* section of *Negative Law Enforcement Experiences*, noted her unwillingness to reach out to the judicial system in the future, in large part because she felt she was treated unfairly due to the fact that her abuser’s father was good friends with the local judge in their rural community.

Incompetence and Lack of Advocacy

Victims complained that they frequently had little understanding of laws and their rights as IPV survivors. Hence, they relied on their attorneys, judges, and other judicial system representatives to guide the course of their legal navigations. When they felt that this system failed them, they expressed deep dissatisfaction. Participant 304 was unhappy with her attorney's perceived failure to adequately represent the facts of her experience. When asked what evidence the prosecution presented, she responded, "Very little that I felt was important to the violence factor and how he kept me trapped." Another survivor [514] complained that her attorney did not do enough for her side. In spite of being raped three times by her perpetrator, she stated, "We didn't go to court because they said I couldn't." Although she was able to get a restraining order, she still felt let down by the legal system.

Similar to Participant 547 (mentioned under *Children in the Negative Court Experiences* category), Participant 518 did not attend her court date because of communication breakdowns. She stated, "[The prosecution] didn't inform me of the court date, so I didn't go. Charges were dropped by them, not me." Such flagrant errors represent attorney mistakes. However, other more subtle factors may contribute to victims' *perceptions* of incompetence, whether or not they're actually accurate. For instance, Participant 344 described her attorney as ineffectual on the grounds of her gender. She reported,

I got a woman attorney, and I feel that is why I lost custody of my daughter...

Getting a woman attorney, that was a big mistake. I wouldn't ever do that again.

I mean, it's kind of like something the world is not ready for, you know? I don't

know how to explain that, but I think you know what I mean. I don't want a woman doctor, I don't want a woman attorney. You know, I guess I'm too old for it.

This may suggest what happens when a victim's conceptualization of legal action is based on a lack of solid understanding of the system. With increased knowledge (e.g., provided by an attorney or victim advocate), survivors might be more reluctant to blame the loss on extraneous factors like a lawyer's gender.

Additional education can also be helpful for victims who are overwhelmed by current stressors and unable to look toward the future. Participant 282 shared that she had not heard from her ex-husband for 7 years. She stated, "I should have got alimony, you know, but I just didn't want to have anything more to do with him. I didn't want any more connection, out of fear and out of anger." At times like those, an advocate, attorney, or judge might be in a position to remind victims of the negative and positive consequences of severing all legal ties (e.g., alimony or child support) with an abuser.

Legal Threats as a Form of Abuse, or Precursors of Additional Violence

One of the most insidious forms of IPV is the use of the legal system to manipulate or intimidate victims. Participant 515 recalled that her partner used to threaten her with divorce if she tried to leave over the abuse. Finally, she indicated, "Well, he threatened me with divorce, and I said, 'Well, do whatever.' I just told him what he always told me, 'You can't lose something you never had.'"

Participant 344 recalled that her husband "went to the county attorney to see how he could get me put in [the state mental hospital]." Fortunately, "The county attorney said, 'No... We're after *you* for child support,' because he had two other children."

Participant 258 was particularly susceptible to legal threats in her relationship because she was not a United States citizen, and was not familiar with the US judicial system. She recalled that she ultimately prevailed over her husband, though. “He thought I had a 30-day visa, but I have a 5-year visa. Thought with divorce he would kick me out of the country. Don’t want her [our daughter] to visit [Asian country] with [me], say this is her only house.”

Even after leaving her abusive partner, Participant 519 said that he continues to harass her through the courts.

His payback has been trying to take me to court for every little thing and exerting that type of control and power. I’m actually waiting for a decision from the Supreme Court right now to get permission to leave out of the state... If I work during the summer [as a teacher], then my ex-husband drags me to court to say that my daughter should be with the stepfamily, and so I don’t work during the summer. It’s really just a vicious cycle at this point.

Participant 547 discussed aggravation with her ex-husband’s manipulation of the court system to obtain custody of their children and exclusive access to the home they were purchasing together. He purportedly knew she was in an inpatient drug treatment center that prevented her from attending the hearing, yet did not share that information with the judge in the case.

Whereas some women described the legal system as intimidating because their perpetrators used it as an agent of abuse, others were fearful because of repercussions that followed interactions with the courts. Participant 252 reported, “I had to actually file for

divorce and we had restraining orders and the police had to come. It was a lot of violence, especially after I filed for divorce.”

Participant 293 was displeased because the judge in her case “only gave him a fine, which made him mad... They took me to the hospital and him to jail, but [he] got out only to beat me some more.” She indicated that nothing was done well in her legal case, which was an alarming impression, given her strong need for support resources. Her abuser ultimately beat her to the point that “when I woke up, I had wires and everything all over me. It was scary... And the doctor even thought I was gonna die.”

One survivor [274] commented that though the legal system is still not perfect, she thinks it has improved since she was in her abusive relationship over 30 years ago. She said that when she threatened to leave her violent husband, he responded, “ ‘You wanna divorce? Where’s your grounds?’ And fists went flying. So long ago, you had to have grounds, witnesses, photos.”

Summary

Appendix C lists the important components that influence an IPV victim’s assessment of law enforcement and the court system as helpful or harmful. Appendix D illustrates the general progression of this process. After an incident of violence occurred, the victims in this study either had contact with law enforcement (LE) or the courts, or actively avoided such interactions¹⁰. For those who did have dealings with legal systems, such contact was either voluntary (i.e., initiated by the victim) or involuntary (i.e., initiated by someone other than the victim). Victims who chose not to access LE or the courts stated fear of repercussions (for themselves or their abusers), negative past

experiences with the criminal justice system, or expense as the important factors in their decisions.

For women who did interact with police or the courts, there were three levels of variables that influenced the quality of their experiences: victim-related, perpetrator-related, and LE/court-related. At the victim level, perceptions of the victim as sympathetic (i.e., deserving of help) appeared important to the quality of aid that she received. Factors such as current or past substance abuse, cooperativeness with police, attorneys, and judges, and previous abuse history (i.e., past interactions with the courts or LE) appeared to influence whether a victim was perceived as sympathetic by courts or police. Elements such as SES, race, and marital status may also have influenced perceptions of the victim as sympathetic, but it was difficult to assess these retrospectively.

Victims also mentioned whether contact was voluntary or initiated by an outside source as important, although there did not appear to be a consistent trend between these elements and the quality of the interaction. For example, some victims complained about their perpetrators efforts to use the courts to harass them as a negative type of involuntary contact. However, others suggested that neighbors' phone calls to 911 or victimless prosecution were ultimately helpful forms of outside interventions.

Perpetrator variables had an impact on the quality of victims' interactions with the criminal justice system, as well. Women complained that some abusers were able to use their connections, particularly in rural communities, to gain unfair advantage over their victims. Even when perpetrators did not have special status to fall back on, they were

¹⁰ This model does not apply to all survivors of IPV. Some victims will never become involved in the legal system in any way. However, to qualify for the study at hand, women had to mention law

sometimes able to present as more “likeable” than their victims, causing police or those in the court system to be more supportive toward them than to seemingly hysterical or histrionic victims.

IPV survivors identified multiple important LE and court representative variables. Among the most important, participants identified kindness, supportiveness, and empathy, fairness. Among qualities that elicited negative assessments were bias toward the perpetrator (e.g., the attitude that women should be subservient to men), slowness, insensitivity, and lack of awareness about DV issues.

These victim-, perpetrator-, and LE/Court-variables were typically followed by systemic, victim, and/or perpetrator actions. Systemic actions, typically decided by the courts or police, included whether a RO was granted, the type of custody plan implemented, and whether a perpetrator was removed from the crime scene (including through arrest). Another situational factor was whether violence increased or decreased following interaction with the courts or police.

Perpetrator actions also played a role in survivors’ evaluations of LE and the court system as helpful resources. Perpetrators had the choice to obey or disregard legal decisions such as restraining orders or parenting plans. In response to legal interventions, they either stopped their violent behavior or continued to be abusive. At times, abusers actually adopted the criminal justice system as a new means of exercising power and control over former wives and girlfriends (e.g., by repeatedly dragging a woman back to court to address custody issues).

Victims responded to the preceding variables with a variety of actions, including feeling an increase in safety, a sense of more danger, or deciding that law enforcement or

enforcement or the courts, specifically.

the courts did little to change their situations. Based on these assessments, victims made positive, neutral, or negative attributions about LE and/or the judicial system.

As a consequence of the negative or positive attributions, victims ultimately made assessments about the overall usefulness of LE or the courts as a helping resource. If women form positive attributions about LE or the courts, they will be more likely to seek them out as useful supports in the future. If they make negative attributions, participants are more likely to perceive them as flawed and not to access them as helping resources in the future.

Discussion

The preceding stories illustrate the importance of examining what experiences leave victims with negative impressions of the police and court systems, as well as the factors that contributed to positive interactions. Intimate partner violence has not always been considered a crime in the United States. After much effort by advocates for battered women, such violence has finally earned its rightful place as a prosecutable offense. Unfortunately, women who have been mistreated by their partners are sometimes subjected to confusing messages about their status as victims. The participants in this study provided multiple examples of conflicting information they received from representatives of the justice system. Their comments often reflect the strength and courage it took to reach out to the police or court system for help. They describe such actions as part of their efforts to acknowledge that they deserve better than to be abused and mistreated by their partners.

As the participants' stories were reviewed, Strauss and Corbin's (1990) grounded theory method was used to identify important recurring themes. Four main themes

emerged from the data: Positive Law Enforcement Experiences, Negative Law Enforcement Experiences, Positive Court Experiences, and Negative Court Experiences. Within these broad groupings, 28 subcategories were documented (as summarized in Table 2). Most important among these findings were the victims' comments on their appreciation of police officers' efforts to provide general support and creative solutions in response to incidents of abuse. Similarly, survivors emphasized the importance of feeling supported by lawyers, judges, and legal advocates as a key element in their willingness to access that branch of the legal system. Conversely, women complained about a lack of empathy and advocacy when identifying reasons of reluctance about contacting law enforcement and the court system in the future. Of special interest were comments they made about the challenges faced by women in a rural state who were frequently at the mercy of small-town law enforcement and judges, as well as perpetrators who were prominent in their sparsely populated communities.

Recommendations for Improving Victim Services

Fairly or not, IPV victims frequently imagined that the criminal justice system would offer them the comfort, impartiality, and support that contrasted so starkly with the circumstances of their abusive relationships. Community resource campaigns (e.g., publicizing preferred arrest policies and other "get tough on domestic violence" approaches) may contribute to such expectations. It is no wonder, then, that women described such intense feelings of betrayal when police or the courts sided with abusers or otherwise failed to give victims the aid they expected when they initially agreed to cooperate with the legal system.

The criminal justice system is based on carefully constructed laws developed to label behavior as legal or not. It is a structure based on facts, not feelings. Although there are a number of reasons for endorsing such a system (e.g., impartial justice for all), it might not be best designed to provide battered women with what they crave most upon leaving an abusive relationship: namely, empathy, kindness, and emotional support. The women in this study repeatedly identified these factors as the most helpful in dealing with the criminal justice system, and their absence as key reasons for dissatisfaction.

In dealing with both police and court systems, victims expressed a desire to be “understood” by officials. Among the most important concepts for LE, judges, and attorneys to understand is that intimate partner violence carries a risk of extreme danger¹¹ for its victims. Whether a victim is difficult, acting out, or otherwise deemed unsympathetic by justice officials is irrelevant to the core issue: police, prosecutors, and judges are all responsible for enforcing and protecting the legal rights of citizens to be safe and protected from undue harm. Victims of IPV generally have less power in their relationships than do their abusive partners (Walker, 1979). For this reason, it is essential that criminal justice officials “understand” that it is their responsibility to provide resources to victims of IPV, just as they would respond to victims of any non-family related crime.

The criminal justice system in the United States is symbolized by balanced scales, which represent the notion that defendants and plaintiffs enter a courtroom as equals in the eyes of the law. The social psychology research on implicit bias suggests that

¹¹ In addition to injuries and health problems caused by battering and sexual abuse (e.g., Campbell & Soeken, 1999; Cantos, Neidig, & O’Leary, 1994), “male intimates, rather than strangers, commit the majority of known female homicides” (Bachman & Saltzman; Rennison & Welchans, both as cited in Barnett et al., 2005, p. 261).

humans are frequently unaware of the negative attitudes they hold toward others (as reviewed in Greenwald & Banaji, 1995). Researchers have developed the Implicit Association Test (see <https://implicit.harvard.edu/implicit/demo/> to complete the test) to illustrate that individuals are often ignorant about their own biases, which are influenced by a larger sociopolitical culture. Such research, combined with the responses in the study at hand, imply that attorneys, judges, and law enforcement are prejudiced by preconceptions that might interfere with their ability to provide victims with impartial and fair treatment at all times. Whereas they might honestly believe that they perceive victims and offenders as equals, Banaji and Greenwald's (1995) research suggests that most individuals are influenced by implicit bias that is likely to tip the scales toward those who have traditionally been perceived more favorably by societal standards and values (e.g., Caucasians over people of color, heterosexuals over gays and lesbians, and men over women). Additionally, victims with previous domestic violence histories, substance abuse issues, or well-connected partners might be even more likely to elicit inaccurate and harmful stereotypes or responses from judges or police.

It can be difficult to translate to LE or those in the court system just what victims mean when they request increased empathy and support. Concrete expressions of these constructs included knowledge about family violence dynamics, offers of information about community resources (e.g., shelters, restraining orders, and family law clinics), non-blaming attitudes (e.g., an absence of comments like "What did you do to make him hit you?"), good interpersonal skills (e.g., general politeness and courteousness), empathetic comments (e.g., "You have been through a horrible experience"), and explaining the details of how legal procedures (e.g., restraining orders) work.

Additionally, responding to cases or request for help in time efficient ways was perceived as a sign of great respect toward the victim and her experience.

How can police officers and court officials obtain skills to help them improve the services they provide to IPV victims? One option is to increase domestic violence trainings that focus on the variables that increase a survivor's willingness to work with LE or the courts. Integrating experts' advice with stories from real life survivors could help drive home a better understanding of what victims mean when they request increased support from those in the criminal justice system.

Other issues that warrant additional training include recognizing differences between self-defense and mutual combat. Most literature in this area has focused on "battered woman syndrome" (Walker, 1984), especially as it relates to homicide cases in which female victims have killed their male abusers (e.g., Henning & Renauer, 2005; Kaser-Boyd, 2004). More applied research is needed to help responding officers understand what to look for when they arrive at a crime scene and are unclear about whether there is one perpetrator and one victim, or if both parties are equally responsible for the violence. Based on the findings of this study, few things are more traumatic for a victim and impose a greater barrier to calling 911 than the fear of being arrested (particularly if children are involved).

DV educators should consider including information about the transtheoretical model (TM) of change to help police, attorneys, CVAs, and judges better understand that victims enter the justice system with varying levels of readiness for change (see Burke, Denison, Gielen, McDonnell, & O'Campo, 2004 for a review of the TM as applied to IPV). Understanding this could improve the quality of victim-official interactions by

minimizing conflicts that arise from differences in goals (e.g., a victim in precontemplation is not going to feel understood or supported if a responding officer immediately advises her to divorce her abuser and press charges that might send him to prison, although the same woman might feel quite encouraged if she was in the action stage). Adoption of a TM approach has already received positive outcomes when used by members of the medical profession (e.g., Frasier, Slatt, Kowlowitz, & Glowa, 2001; Zink, Elder, Jacobson, & Klostermann, 2004).

The Value of Inter-Agency Alliances

Even with efforts toward increased intimate partner violence education, justice system officials under duress might rely on previously held negative assumptions about victims or women (e.g., that men should hold more power in a relationship than should women, or that a hysterical, drunken woman is less reliable than a stoic man in a military uniform). The system may want to believe that it treats domestic violence in the same impartial way that it treats other crimes (e.g., robbery or housebreaking), but there is evidence to suggest otherwise.

Hartman and Belknap (2003) found that public defenders frequently held hostile attitudes toward IPV victims, and often minimized the effects of domestic violence. The authors found judges and prosecutors to be more supportive toward IPV survivors, but identified that certain judges were consistently more sympathetic than were others, and that factors such as whether the victim was using substances or was belligerent when police responded played a role in case outcomes.

Given that attorneys and judges enter the court room with agendas that may or may not be in line with those of the victims, it seems worthwhile to have someone in the

case who is solely focused on meeting the needs that women have expressed throughout this study: namely, people who will offer support, kindness, and a helping hand. It is worth encouraging law enforcement and court officials to make efforts in this direction, but not realistic to assume that they can always do their jobs while ministering to these needs of the victims.

Although some of the participants explicitly suggested that law enforcement officers and court officials should do more to act like social workers for victims, it is clearly not a typical component of these officials' formal job descriptions. In fact, such expectations may serve generally to disappoint victims and frustrate police and judges who are, in fact, doing the jobs for which they were hired. Nevertheless, if the criminal justice system is unable to offer victims the support they frequently require to move through the system in a fluid and effective fashion, there should be something in place that can.

Advocates trained specially to support the victim can provide such services. Women in this study commented on the usefulness of victim advocates already placed in battered women's shelters. However, such individuals are not always able adequately to aid victims during interactions with the criminal justice system. They are often not on the scene during initial interactions between victims and officers of the justice system. Even if they are present, police or court officials may perceive crime victim advocates (CVAs) as outsiders. Resistance to working with a CVA as part of a team may be part of a changing process that deserves more attention within the legal system, as well. One way to avoid such perceptions is to implement response teams that pair a police officer or county prosecutor with a victim advocate. Such teams are able to develop into cohesive,

trusting units that balance victims' needs for concrete legal protection with their desire for empathy and emotional support (O'Shea & Gilmette, 1999).

In recent years, there has been increased interest in community policing programs that pair victim advocates with responding officers (O'Shea & Gilmette, 1999). County prosecutors sometimes include domestic violence units within their offices, which allow advocates to develop close working relationships with victim's attorneys. Such partnerships deserve further study for their potential to offer more comprehensive support to victims of IPV. This seems especially important in light of the opposition that such support agencies sometimes face from public defenders, as exemplified by the following quote:

Some of the guys here call [one of the victim agencies], 'Bitches Helping Bitches...' They refer to the advocates as 'bitches' more than they refer to the victims as 'bitches.' They believe the advocates interfere with the court process, so their frustration is directed at the advocates. They are also angry that the advocates are not lawyers, yet they're advising clients [victims]. (Hartman & Belknap, 2003, p. 359)

Perhaps victim advocates would be treated with more respect, and therefore be more empowered to help their clients, if they were integrated into victim services at every phase of intervention (e.g., from the first law enforcement response through all subsequent court dates and attorney interaction).

Rural Victims

Over 1/5 of the women in this study lived in rural areas for at least a portion of their abusive relationship. Although many of their experiences with the criminal justice

system were similar to those of women living in towns or cities, they also presented some experiences that were unique to living in less populated areas. An important example of this related to response times. Women from rural and urban areas emphasized the importance of quick law enforcement arrivals following 911 contact. They indicated that given the quickly escalating tempers demonstrated by many abusers, prompt LE interventions were an essential component of an effective safety plan. For officers in rural areas, immediate responses can be next to impossible. One victim spoke to this when she commented, “The closest services [were] 150 miles away.” Another recalled frustration with police when she told them, “By the time you guys get here, I could be dead and buried in the woods.” This is a chilling, but potentially accurate, assessment of the increased danger imposed by the isolated living circumstances of many rural victims.

Even in more populated rural communities, victims struggled with problems that would have been less formidable in larger towns or cities. Many rural survivors identified nepotism as a barrier to seeking aid from police or law enforcement officers. They indicated that police, attorneys, and judges frequently “looked the other way” when perpetrators or their families had been residents of the community for some time. This was especially problematic when the perpetrator was a powerful figure in the community (e.g., a sheriff or politician). Unlike in large cities, victims had few to no alternatives for accessing resources from other officials or agencies, sometimes because such options simply did not exist.

Although perpetrators of IPV often use isolation to increase control over their victims, those in rural areas have advantages related to physical distance and limited community resources. If the criminal justice system is going to offer genuine protection

to rural victims, more attention must be paid to increasing their access to protection and justice (e.g., through inviting visiting judges to preside over family law cases involving IPV).

Suggestions for Future Research

The initial objectives of this study were to explore the specifics of what has helped women to escape lives of violence, as well as what police and courts have done to discourage victims in their efforts to respond to abuse. Additionally, questions were raised about the impact that preferred arrest policies have had in the state of Montana, issues related to child custody, and the influence of race, and rural or urban dwelling. One of the drawbacks of archival research is that the study was not necessarily designed to garner information pertinent to these topics. Patterns relevant to race or SES did not appear through this qualitative study (although a quantitative analysis could possibly identify patterns that were not apparent through our methodology). Participants did make comments about victimless prosecution, challenges unique to rural victims of IPV, and child custody. Unfortunately, there were too few comments regarding preferred arrest to determine a clear pattern of responses to the change in state policy.

In addition to the challenges of doing qualitative research on archival data (i.e., that an integral piece of building qualitative-based theory is to have initial data collection guide and expand later data to be collected), an obvious limitation of this study is that it examined only heterosexual, male-battering couples. Therefore, the results can only be applied to women who have been physically abused by male partners.

When IPV survivors experienced disappointments with the criminal justice system, they frequently remarked on their refusal to consider it as a helping resource even

if future violence should arise or danger increase. This could pose serious, harmful consequences for battered women. Future research on the topic of battered women and the criminal justice system must focus on steps to help victims feel supported and believed by police, attorneys, and judges. The results of this study suggest that victims often look to representatives of the criminal justice system for support that might more readily be provided by well-trained victim advocates. Additional studies should explore victim satisfaction with current police-advocate or court-advocate partnerships, as well as emphasize the importance of variables identified as important in the current study (e.g., timely responses, affordable legal assistance, and enforcing restraining orders).

More research is also needed on victimless prosecution. The preliminary findings of this study suggest that victims were typically critical of the fact that law enforcement was allowed to press charges against an IPV perpetrator using evidence from the victim, even if she failed to press charges or otherwise cooperate in the investigation. Women complained that it took away their autonomy and revictimized them. However, many also commented that they ultimately appreciated the intervention because it led to increased safety for them or a reduction in abuse. The responses of survivors in this study suggest that there is a high degree of ambivalence regarding victimless prosecution, and that the matter warrants additional attention.

The original sample for this study consisted of approximately 300 women who had experienced physical battering. Of those 300, only 85 reported interactions with police or the court system, and even those women did not all initiate the contact themselves. Given the archival design of the study at hand, it is not possible to know why the majority (approximately 72%) of respondents did not seek protection from LE or

the courts. The findings suggest that there may be a culture of fear and skepticism that leads female victims of intimate partner violence to question whether they can actually rely on the legal system for safety and protection. The results imply that police, in particular, have much to do to establish trusting relationships with abused women.

Overall, victims in this study indicated that the most useful features of good police or court interventions have simply involved kindness, respect, and understanding: the exact opposite of what they endured at the hands of their abusive husbands and boyfriends.

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Appendix A

ID # _____

LEGAL / MEDICAL RESPONSE QUESTIONNAIRE

Because of violence in relationships, women often use the legal system and medical facilities for assistance. If you have used these agencies in the past, we would like to know how you felt about the response you received. Please be specific. Any names you use will be kept CONFIDENTIAL. Space has been provided for your comments, if any. (Please use the back of the page if you need extra space for your comments.)

In the right column, please circle one letter in response to the question:

Y	=	Yes
N	=	No
NS	=	Not Sure
NA	=	Not Applicable (I didn't use the agency or service)

Please circle one

1. **If you used the police, was the police response positive?**

Y N NS NA

Comments: _____

2. **If your case went to court, did the prosecution present your case well?**

Y N NS NA

What evidence did they present? _____

3. **If your case went to court, did the judge do a good job?**

Y N NS NA

Comments: _____

4. If you used the courts, did you feel positive about the court system overall?

Y N NS NA

What mistakes were made? _____

What could have been done better? _____

What was done well? _____

Was any agency or person particularly supportive? _____

5. Did you receive medical attention at any time? Y N

6. If so, did the medical person ask you about any troubles or violence?

Y N Sometimes NA

How did you feel during this encounter? _____

7. Did you receive any counseling or advice from anyone? Y N

Were they supportive? Please think about each of the following:

Crisis Hotline	Y	N	Somewhat	NA
Clergy	Y	N	Somewhat	NA
Therapist or Counselor	Y	N	Somewhat	NA
Relative	Y	N	Somewhat	NA
Neighbor	Y	N	Somewhat	NA
Friend	Y	N	Somewhat	NA
Other _____	Y	N	Somewhat	NA

As you know, many women experience violence in relationships and use these types of services. The comments you have provided may be helpful in developing and providing better services for women like yourself. With your consent, we could make your written comments on this Legal / Medical Response Questionnaire known to the women's advocate in the City Attorney's office. Would you be willing to share this information with her?

Y N

Thank you!

Appendix B

Interview

Interviewer _____ Location _____ ID# _____

We are studying women's experience of violent relationships and your responses, needs, and beliefs. We understand that talking about the relationship you are in may be difficult for you. Feel free to take your time and to present information as best as you are able. Also know that you can take a break, ask questions, or let us know any particular needs and/or feelings you may experience while being interviewed.

1. Please tell me about the (violent) relationship you (are/were) in:

a. When did the violence begin? (Time)

b. (Have you/did you) ever (left/leave)? Y N (If so, go to 2; if not, go to 3).

b1. Temporarily or permanently? (Circle)

_____ # of times (if temp) _____ # of times (if perm)

2. a. If you ever left your partner, where did you go?

Friend Relative Shelter Motel/hotel Other N/A

b. If you left more than one time, what would you describe as the reason(s) for returning?

Love	Fear	Financial	Children	Family
Religion	Personal beliefs	Friend	Peer pressure	Other N/A

c. If you left permanently, what would you describe as the reason(s) you left for good?

Love	Fear	Financial	Children	Family
Religion	Personal beliefs	Friend	Peer pressure	Other N/A

d. If you left temporarily, what would you describe as the reason(s) you left?

Love	Fear	Financial	Children	Family
Religion	Personal beliefs	Friend	Peer pressure	Other N/A

- e. Was there a turning point for you in your decision? A specific situation or realization that might have occurred? Y N

What?

- f. (Have you/did you) ever (threatening/threaten) to leave?
Never Once Sometimes Often

- g. **If the woman has children, ask:
What role do you think your children played in your decision?

3. a. ***Only ask this question if it appears that they are still in the violent relationship.
What would you describe as your reason(s) for staying in the relationship?

Love	Fear	Financial	Children	Family
Religion	Personal beliefs	Friend	Peer pressure	Other N/A

4. (Is there/was there) anything that (would change/would have changed) your mind about staying/leaving? Y N
If so, what?

5. Was there any violence in your family when you were growing up? Y N
Did the violence include sexual abuse? Y N
Of whom/by whom?

Any violence outside of your family?	Y	N
Did the violence include sexual abuse?	Y	N
Of whom/by whom?		

6. Do you have anyone that you (seek/sought) support from or talk to about the relationship? Y N

Who?

Family

Friend

Therapist

Religious leader

Shelter staff

Support group

Other

7. (Has your/was your) family been supportive? Y N

What have they done?

8. Have your friends been supportive? Y N

What have they done?

9. Have you sought any community support specifically in regard to your relationship?

Y N

What? (Legal, Battered Women's Shelter, Counseling, Religious, Financial, etc.)

Where?

From whom?

10. If you sought counseling, was it helpful? Y N

Why or why not?

(If not already clear, ask): How was it helpful?

11. Which of the supports have been the most helpful for you?

Legal, Battered Women's Shelter, Counseling, Religious, Financial, Friends, Family?

Why?

12. (Is/was) there anything or anyone that interfered with you accessing community resources? Y N

Who or what?

13. Are there any sources of support that you would not turn to again? Y N
Why?

14. Have you ever felt the need to keep the violence secret from others? Y N
Who?

Why?

15. Who did you first disclose your abuse to?

How long after the start of the violence?

If not immediately, what kept you from telling anyone?

16. What (do you/did you) do to keep yourself safe or protect yourself?

17. **If they have not told you specifically about the nature of the physical violence (pushed, slapped, hit, kicked), ask NOW:

Would you feel comfortable telling me exactly what was the nature of the physical violence you (experience/experienced)?

Have you ever needed medical attention due to this violence? Y N

18. (Do you/did you) have a limit to what behavior you would tolerate in your relationship? Y N
(If yes:) What?

Was your limit expressed to your partner? Y N

Appendix C

Elements that Influence the Decision to Trust and Use the Legal System

<i>Causal Conditions</i>	<i>Phenomenon</i>	<i>Intervening Conditions (Factors that influence the quality or presence of legal system interaction)</i>	<i>Action</i>	<i>Consequences</i>
IPV occurs	<p>Contact with LE</p> <ul style="list-style-type: none"> • May be voluntary (e.g., victim asks for help) or initiated externally (e.g., neighbor calls 911, preferred arrest, or victimless prosecution). <p>Contact with courts (i.e., judges, attorneys, or legal advocates)</p> <ul style="list-style-type: none"> • Voluntary (i.e., victim initiates) • Involuntary (e.g., perpetrator initiates, victimless prosecution) <p>Victim actively avoids contact with legal system</p>	<p>Victim Variables</p> <ul style="list-style-type: none"> • Perception of victim as sympathetic (e.g., influenced by current/past alcohol/drug use, cooperativeness, and previous abuse history) • Whether contact was voluntary or initiated by an outside source <p>Perpetrator Variables</p> <ul style="list-style-type: none"> • Prominent or well-connected • Presents as "likeable" (especially when compared to highly emotional victim) <p>LE/Court Variables</p> <ul style="list-style-type: none"> • Kind, supportive, empathic • Fair • Biased toward perpetrator (e.g., believe that "a man's home is his castle") • Slow • Insensitive to issues of IPV <p>No Contact</p> <ul style="list-style-type: none"> • Fear of repercussions (for self or perpetrator) • Bad previous experiences with LE or the courts • Too expensive 	<p>Situational</p> <ul style="list-style-type: none"> • RO granted (or not) • Custody is awarded to victim, perpetrator, or both • Arrest made (or not) • Perp removed from scene (or not) • Violence increases or decreases <p>Victim</p> <ul style="list-style-type: none"> • Feels safer, increase in danger, or that LE/courts did little to change her situation. • Victim makes positive, neutral, or negative attribution about LE and/or the courts <p>Perpetrator</p> <ul style="list-style-type: none"> • Perpetrator chooses to honor or disregard legal decisions (e.g., RO). • Perpetrator stops violent behavior or continues to be abusive, sometimes using legal system as a tool to do so (e.g., custody challenges or filing false reports with law enforcement). 	<p>Positive attribution about LE</p> <ul style="list-style-type: none"> • Victim is more likely to use LE in the future <p>Negative attribution about LE</p> <ul style="list-style-type: none"> • Victim is less likely to use or trust LE in the future <p>Positive attribution about court system</p> <ul style="list-style-type: none"> • Victim is more likely to use courts in the future <p>Negative attribution about court system</p> <ul style="list-style-type: none"> • Victim is more likely to see the courts as flawed and not access them as helping resource

Appendix D
Stages in a Victim's Decision Whether to Trust and Use the Legal System

